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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. ZOE LOFGREN of California).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 8, 2010.

I hereby appoint the Honorable ZOE LOFGREN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

God of wisdom and love, You are the source of life and have gifted us with many blessings.

Open our minds and hearts to receive graciously the art of patience and the discipline of prudence.

May all our decisions set us on the path of truth and all our actions manifest Your goodness.

To You be honor and glory both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Sarah Gerber, Office of the Sergeant at Arms:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena issued by the Superior Court of the District of Columbia for testimony in a criminal case.

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

Sincerely,

SARAH GERBER,
Chamber Support Services.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Monday, May 31, 2010:

H.R. 5330, to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

TITLE AMENDMENT TO H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Without objection, the title to H.R. 5136 is amended so as to read: ''A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

There was no objection.

FISCAL DISCIPLINE

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

Mrs. KIRKPATRICK of Arizona. Madam Speaker, the administration is acknowledging what I and folks across the country have been saying for months: The time for business as usual in Washington is over and the time to cut spending is right now. Our demands for action are finally being heard.

I have repeatedly called on the White House to crack down on this kind of waste. If done right, this push could mean real progress toward a balanced budget. But this is Washington, and everyone knows it's easier to talk about eliminating inefficiency than to make the tough choices required to actually get it done.

We need to hold this plan to its promises. The Federal Government has to fully commit to doing more with less. Agencies must be creative and aggressive, using 5 percent cuts at a minimum and not a final goal. This Congress should also play an active role in finding cost-effective ways to achieve our goals. This is an opportunity that cannot be allowed to slip by.

CONGRESS MUST ACT TO AVERT A DEBT CRISIS

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

Ms. FOXX. Madam Speaker, we've got a debt problem in America. The

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Federal Government keeps spending money and running up the national credit card at a record clip: $8.5 trillion over 10 years. Congress can't just cross its fingers and hope everything works out. That will only make the debt crisis that much more severe for our children and grandchildren.

We must start cutting spending and reducing the deficit now. To do otherwise and watch as our national debt prepares to overtake us is reckless. It is as if we are on the Titanic; we know there is an iceberg ahead of us in the darkness, but we refuse to change course. No amount of denying our debt crisis will change the fact that this iceberg exists. We can avert disaster, but we must act quickly to restore fiscal responsibility before it is too late.

RECOGNIZING DETROIT TIGERS PITCHER ARMANDO GALARRAGA'S NEAR PERFECT GAME

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

Mr. DINGELL. Madam Speaker, I rise today to honor the Detroit Tigers and the pitcher Armando Galarraga for his spectacular performance against the Cleveland Indians last week. During a game on June 2, Galarraga threw 8⅔ innings perfectly against Cleveland, without giving up a hit, walk, or error.

On what would have been his 27th out, Major League Baseball umpire Jim Joyce made what he admitted was a mistaken call, spoiling what would have been the Detroit Tigers' first perfect game in franchise history. Joyce has since conceded that Donald was out and has apologized to both Galarraga and the Tigers' manager, Jim Leyland, for a missed call.

Throughout the ensuing controversy, Joyce and Galarraga have displayed extraordinary grace under pressure and tremendous sportsmanship, setting a fine example for sports fans everywhere. It's my hope the Major League Baseball commissioner will reconsider the decision and will correct what was clearly a faulty call.

With the full support of the entire Michigan delegation, I am introducing a resolution today declaring that Galarraga pitched a perfect game and urging the MLB to overturn a mistaken "safe" call. I believe that to do so will more than please the 17,000 fans who were in the stands that day and place Galarraga in a part of the game's history of having pitched a perfect game.

HEALTH CARE REFORM'S LOST OPPORTUNITY

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

Mr. BURGESS. Madam Speaker, just within the past hour, Governor Mitch Daniels came and addressed the Congressional Health Care Caucus. He gave us some particular insights as to what's been happening in his State of Indiana with regards to health care costs.

But, in particular, he expressed how distressed he was over the health care bill that this Congress passed in March. He described it as a "lost opportunity of historic proportions that perpetuates and extends the problems of the existing system." The plan is administratively complex, and States, in fact, have no hope of complying. In fact, the cost to States, the significant financial burden proposed to the States are truly going to be obstacles.

It's odd. You know, every time consumer-directed health care posts a win, we find a way not to recognize the success, but Governor Daniels has. He described us as heading at warp speed down a dead-end road with a debt burden that threatens the actual vitality of our Republic.

There is a better way. The simple truth is that something magic happens when people spend their own money. Governor Daniels, employing a system of consumer-directed health care in his State of Indiana, has held health care costs down by 11 percent in the past year. I wish Medicare and Medicaid could say the same.

MISTAKEN SUDAN POLICY

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

Mr. WOLF. Madam Speaker, BBC reported yesterday that roughly 600 people were killed in Darfur in May, a new high since peacekeepers were deployed in 2008. Additional thousands have fled their homes.

Against this backdrop, an internationally indicted war criminal was inaugurated as President of Sudan. And, unbelievably, the Obama administration sent a U.S. Government representative to the ceremony, thereby conferring a sense of legitimacy on Bashir's genocidal rule.

Leading Sudan advocacy groups expressed their dismay. Enough's John Prendergast said, quote, "The administration missed an opportunity to build leverage and lead by example. Getting nothing in return for this reversal of longstanding U.S. policy is baffling and ineffective diplomacy." I could not agree more.

Vice President BIDEN is leading a delegation to Africa this week. He will be the highest-ranking U.S. official to meet with Southern Sudanese President Salva Kiir. We can only hope that this trip marks the start of a new beginning for the administration's long-faltering and ineffective Sudan policy.

SPENDING

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

Mr. BUCHANAN. Madam Speaker, the national debt now exceeds $13 trillion. It took 206 years to get the first trillion dollars of national debt; the last trillion it took 6 months. If you took 13 trillion dollars and stacked them next to each other, you could go to Jupiter and back.

We talk about Greece and their challenges. We are the next Greece if we don't balance the budget and get serious about our national debt and our deficits. Last year, $1.4 trillion in deficit; this year, we are expected to exceed $1.5 trillion. We need to balance the budget now.

My first year, 3½ years ago, I introduced a balanced budget amendment that just says we don't spend more than we take in. We need to do that or we are going to be the next Greece.

DAY 50 OF THE GULF OIL DISASTER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, in the last 50 days, approximately 35 million gallons of oil have spewed into the gulf, resulting in the worst environmental disaster in American history. The oil spill has destroyed wildlife, wreaked havoc on our marine ecosystems, and debilitated thousands of families who depend on fishing and tourism for their way of life.

While BP has stated that it will provide compensation to those individuals and businesses economically impacted by the oil spill, its claim offices in the Florida Keys, in my congressional district, have provided little assistance to those seeking relief. Individuals so overwhelmed by the BP claims process have actually had to hire lawyers to help sift through the mounds of paperwork required. These additional burdens imposed by BP are deplorable.

If BP is committed to fixing this disaster and rebuilding our devastated communities, then it must act quickly and responsibly in processing these claims.

□ 1415

ELENA KAGAN'S BANISHMENT OF MILITARY RECRUITERS

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

Mr. POE of Texas. Madam Speaker, when Elena Kagan was dean of the Harvard Law School, for personal and biased reasons, she banned military recruiters from campus. By her actions, she violated the right of free speech—in a university setting, of all places. A college campus is just the place for free thought, free expression, free speech from all points of view.

Kagan's actions also denied the students the right to hear the information. She denied students their right

even to discuss the military career as a choice because of her own prejudices. And when Kagan personally joined a lawsuit to uphold her banishment of the military recruiters, the very Supreme Court she wants to join unanimously said she was wrong in her judgement.

Elena Kagan is hostile to the First Amendment. She wants control over free thought and free expression unless she personally agrees with it. Kagan's attack on the First Amendment shows her dangerous distrust for the principles of the Constitution. Her lack of objective judgment shows she has no business sitting in judgment on the most powerful court in the world.

And that's just the way it is.

POLITICAL BALANCE IN WASHINGTON

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

Mr. SMITH of Texas. Madam Speaker, with the Democrats in control, millions of jobs have been lost. The main job creation has been in the Federal Government, not the private sector. The national debt has doubled and the national deficit has tripled. Taxes have gone up and will increase even more at the end of the year. And the Democrats in the House haven't even bothered to propose a Federal budget. If a budget is not approved this year, it will be the first time since the Budget Act was enacted in 1974.

One party controls the House of Representatives, the Senate, and the White House. We need a political balance in Washington, not a one-party monopoly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6 p.m. today.

HOOVER POWER ALLOCATION ACT OF 2010

Mrs. NAPOLITANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4349) to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4349

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hoover Power Allocation Act of 2010''.

SEC. 2. ALLOCATION OF CONTRACTS FOR POWER.

(a) SCHEDULE A POWER.—Section 105(a)(1)(A) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(A)) is amended—

(1) by striking ''renewal'';

(2) by striking ''June 1, 1987'' and inserting ''October 1, 2017''; and

(3) by striking Schedule A and inserting the following:

''Schedule A

Long-term Schedule A contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Metropolitan Water District of Southern California	249,948	859,163	368,212	1,227,375
City of Los Angeles	495,732	464,108	199,175	663,283
Southern California Edison Company	280,245	166,712	71,448	238,160
City of Glendale	18,178	45,028	19,297	64,325
City of Pasadena	11,108	38,622	16,553	55,175
City of Burbank	5,176	14,070	6,030	20,100
Arizona Power Authority	190,869	429,582	184,107	613,689
Colorado River Commission of Nevada	190,869	429,582	184,107	613,689
United States, for Boulder City	20,198	53,200	22,800	76,000
Totals	1,462,323	2,500,067	1,071,729	3,571,796''.

(b) SCHEDULE B POWER.—Section 105(a)(1)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(B)) is amended to read as follows:

''(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm energy specified for that contractor in the following table:

''Schedule B

Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Glendale	2,020	2,749	1,194	3,943
City of Pasadena	9,089	2,399	1,041	3,440
City of Burbank	15,149	3,604	1,566	5,170
City of Anaheim	40,396	34,442	14,958	49,400
City of Azusa	4,039	3,312	1,438	4,750
City of Banning	2,020	1,324	576	1,900
City of Colton	3,030	2,650	1,150	3,800
City of Riverside	30,296	25,831	11,219	37,050
City of Vernon	22,218	18,546	8,054	26,600
Arizona	189,860	140,600	60,800	201,400
Nevada	189,860	273,600	117,800	391,400
Totals	507,977	509,057	219,796	728,853''.

(c) SCHEDULE C POWER.—Section 105(a)(1)(C) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(C)) is amended—

(1) by striking ''June 1, 1987'' and inserting ''October 1, 2017''; and

(2) by striking Schedule C and inserting the following:

''Schedule C

Excess Energy

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year's 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in an amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatthours in each year of operation.	Arizona, Nevada, and California
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, and California''.

(d) SCHEDULE D POWER.—Section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

''(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this Act in 1984 to the amounts shown in Schedule A and Schedule B, as modified by the Hoover Power Allocation Act of 2010, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as 'Schedule D contingent capacity and firm energy'):

''Schedule D

Long-term Schedule D resource pool of contingent capacity and associated firm energy for new allottees

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
New Entities Allocated by the Secretary of Energy	69,170	105,637	45,376	151,013
New Entities Allocated by State				
Arizona	11,510	17,580	7,533	25,113
California	11,510	17,580	7,533	25,113
Nevada	11,510	17,580	7,533	25,113
Totals	103,700	158,377	67,975	226,352

''(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as 'new allottees') for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term 'the marketing area for the Boulder City Area Projects' shall have the same meaning as in appendix A of the General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the 'Criteria').

''(C)(i) Within 36 months of the date of enactment of the Hoover Power Allocation Act of 2010, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in this section as 'Western'), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are—

''(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

''(II) federally recognized Indian tribes.

''(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

''(D) Within 1 year of the date of enactment of the Hoover Power Allocation Act of 2010, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of—

''(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

''(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

''(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

''(E) Each contract offered pursuant to this subsection shall include a provision requiring the new allottee to pay a proportionate share of its State's respective contribution (determined in accordance with each State's applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 (referred to in this section as the 'Implementation Agreement').

''(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October 1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy.''.

(e) TOTAL OBLIGATIONS.—Paragraph (3) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) in the first sentence, by striking ''schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B)'' and inserting ''paragraphs (1)(A), (1)(B), and (2)''; and

(2) in the second sentence—

(A) by striking ''any'' and inserting ''each'';

(B) by striking ''schedule C'' and inserting ''Schedule C''; and

(C) by striking ''schedules A and B'' and inserting ''Schedules A, B, and D''.

(f) POWER MARKETING CRITERIA.—Paragraph (4) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as

redesignated as subsection (d)(1)) is amended to read as follows:

''(4) Subdivision E of the Criteria shall be deemed to have been modified to conform to this section, as modified by the Hoover Power Allocation Act of 2010. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.''.

(g) CONTRACT TERMS.—Paragraph (5) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067;'';

(2) in the proviso of subparagraph (B)—

(A) by striking ''shall use'' and inserting ''shall allocate''; and

(B) by striking ''and'' after the semicolon at the end;

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

''(E) permit transactions with an independent system operator; and

''(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the Hoover Power Allocation Act of 2010.''.

(h) EXISTING RIGHTS.—Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking ''2017'' and inserting ''2067''.

(i) OFFERS.—Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

''(c) OFFER OF CONTRACT TO OTHER ENTITIES.—If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.''.

(j) AVAILABILITY OF WATER.—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d) is amended to read as follows:

''(d) WATER AVAILABILITY.—Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors' allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations.''.

(k) CONFORMING AMENDMENTS.—Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended—

(1) by striking subsections (e) and (f); and

(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) CONTINUED CONGRESSIONAL OVERSIGHT.—Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a)) (as redesignated by subsection (k)(2)) is amended—

(1) in the first sentence, by striking ''the renewal of''; and

(2) in the second sentence, by striking ''June 1, 1987, and ending September 30, 2017'' and inserting ''October 1, 2017, and ending September 30, 2067''.

(m) COURT CHALLENGES.—Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking ''this Act'' and inserting ''the Hoover Power Allocation Act of 2010''.

(n) REAFFIRMATION OF CONGRESSIONAL DECLARATION OF PURPOSE.—Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) by striking ''subsections (c), (g), and (h) of this section'' and inserting ''this Act''; and

(2) by striking ''June 1, 1987, and ending September 30, 2017'' and inserting ''October 1, 2017, and ending September 30, 2067''.

SEC. 3. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mrs. NAPOLITANO. Madam Speaker, H.R. 4349 would update the statutory allocation of electric power generated at the Hoover Dam, located on the Colorado River, to its various users. The current allocation of this hydropower resource expires at the end of fiscal year 2017.

In this regard, H.R. 4349 would increase the amount of electricity to be marketed by the Western Area Power Administration, known as WAPA, and provide to Native American tribes and other previously excluded entities the opportunity to acquire Federal power. The revised allocation would remain in effect from 2017 to 2067.

H.R. 4349 has 43 bipartisan cosponsors. This hydroelectric generation, which provides a renewable, affordable, and accessible resource to the American Southwest, is, in this bill, being made now available to additional users through this legislation. Western Area Power has committed to implement a full and transparent process in the allocation of this resource. We expect that the State regulatory agencies of Arizona and Nevada will follow the same procedures and commitment to an impartial and unbiased allocation determination.

Hydropower is a valuable resource for our country. The 50-year time frame for allocation of this resource matches the commitment by collaborators to fund the Lower Colorado River Multi-Species Conservation Program. The conservation program is a nationally recognized example of how diverse stakeholders can, together, find solutions without litigation that allow everyone to use the Lower Colorado River to promote economic growth while supporting compliance with the Endangered Species Act and then protecting more than 100 species which the Lower Colorado River floodplain has within the river.

Madam Speaker, I ask my colleagues to support the passage of H.R. 4349, and I reserve the balance of my time.

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

The Hoover Dam may be 85 years old, but its legacy of providing emissions-free electricity, water for cities and farms, recreation for millions of boaters, flood control, and environmental protection remains to this day. It is a symbol of what our Nation's legendary infrastructure has done and will continue to do for generations to come.

This legislation specifically continues the promise of delivering clean and renewable hydropower generated at the legendary Hoover Dam. This hydropower helped make the southwest United States what it is today. This bill costs nothing, which is an important aspect in these tight financial times since all of the costs to generate and deliver this hydropower will be borne by the electricity ratepayers. This bill is a reminder of the ''beneficiary pays'' principle that western water and power projects are based on can still work and thrive today.

I appreciate the gentlewoman for bringing this bill forward, the bipartisan manner in which it was crafted, and I urge my colleagues to support this important piece of legislation.

I yield back the balance of my time.

Mrs. NAPOLITANO. I want to thank my colleague for being with us today and to all of my other colleagues who are supporting and endorsing this bill, especially the staff of the Water Subcommittee on our side and on the minority staff. The collaborative effort that has gone into this is exemplary of how we can work together to get things done, and I am very happy that we are

able to do that in this bill. I urge my colleagues to vote for this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 4349, as amended.

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

A motion to reconsider was laid on the table.

BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

Mrs. NAPOLITANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2008) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2008

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bonneville Unit Clean Hydropower Facilitation Act''.

SEC. 2. DIAMOND FORK SYSTEM DEFINED.

For the purposes of this Act, the term ''Diamond Fork System'' means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

SEC. 3. COST ALLOCATIONS.

Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development within the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102–575), and shall be subject to the same terms and conditions.

SEC. 4. NO PURCHASE OR MARKET OBLIGATION; NO COSTS ASSIGNED TO POWER.

Nothing in this Act shall obligate the Western Area Power Administration to purchase or market any of the power produced by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

SEC. 5. PROHIBITION ON TAX-EXEMPT FINANCING.

No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

SEC. 6. REPORTING REQUIREMENT.

If, 24 months after the date of the enactment of this Act, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

SEC. 7. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mrs. NAPOLITANO. Madam Speaker, H.R. 2008, introduced by our colleague Representative JIM MATHESON, would declare as final the cost allocation of $161 million to hydroelectric power generation on the Diamond Fork System in Utah and would defer those costs indefinitely in accordance with section 211 of the Central Utah Project Completion Act of 1992.

H.R. 2008 is a perfect example of a win-win situation. This legislation will facilitate the development of 50 megawatts of clean hydroelectric power while generating revenue for the government for the use of its water facilities. This has been another collaborative effort, and I am very glad that we are able to bring it to the floor.

I ask my colleagues to support the bill, and I reserve the balance of my time.

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

I want to thank my colleague, the gentleman from Utah, Mr. JIM MATHESON, for introducing this important piece of legislation. It's been a pleasure to work with him and his staff in moving this bill forward as it does benefit both the districts and, truly, the population of the State of Utah and, consequently, the United States of America.

The facilities and beneficiaries of this bill are located, like you said, in both districts. And we, again, appreciate Mr. MATHESON and his leadership on this issue.

The Diamond Fork System of the Bonneville Unit was constructed under the Central Utah Project Completion Act. The Bonneville Unit is a system of dams and pipelines and tunnels that transports water from the eastern mountains in Utah to the Wasatch front population centers.

This legislation allows for a hydropower developer to install up to 50 megawatts of clean, renewable, and emissions-free electricity at the existing Federal facilities in the Diamond Fork System. This will benefit the people of my district and the U.S. taxpayers in a variety of ways.

This legislation expands on the historical benefits of a proven green technology. Hydropower is the original green electricity that time and again has kept the lights on in the western United States. With an additional 50 megawatts of hydroenergy, combined with other wind, geothermal, and natural gas facilities, my district will again be at the forefront of America's balanced energy future.

This bill will be paid for by the power users, not the taxpayers. Once signed into law, this bill will generate money for the Federal Government by allowing a non-Federal developer to pay for the right to generate hydropower. Without passage, the Congressional Budget Office determines the existing facilities would not be developed anytime within the next decade because the initial investment would be uneconomical for potential developers.

This is a good, bipartisan bill that benefits the environment, the taxpayers, and the people of Utah. I urge my colleagues to support it. I again appreciate the bipartisan approach in developing this piece of legislation.

I yield back the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I certainly want to commend my colleagues for working on this particular bill, and I thank them very much for the bipartisan way this was carried out. Water has no boundaries, no color, no political designation, and we need to continue working on these issues that are going to help the American people be able to have clean, sustainable green power.

So, with that, I want to thank the staffs on both sides for their marvelous work.

Mr. MATHESON. Madam Speaker, I rise today in support of H.R. 2008, the Bonneville Unit Clean Hydropower Facilitation Act, bipartisan legislation that I introduced with my colleague, Rep. CHAFFETZ.

The Bonneville Unit is a large system of dams, pipelines and tunnels which bring water from the eastern mountains in Utah to the Wasatch front population centers. It was constructed as part of the completion of the Central Utah Project Completion Act in 1992.

One of the components of the Bonneville unit is the Diamond Fork Project. The Diamond Fork Project has the capability to generate up to 50 megawatts of hydroelectric power. My bill removes a barrier that is infringing on the ability to develop the hydropower.

The Congressional Budget Office estimates the Federal Government will receive payments totaling $2 million dollars over the 2010–2019 period as a result of the hydroelectric project.

The proposed hydroelectric project will be installed within existing structures of the Diamond Fork facility.

I'd like to thank the Water and Power Subcommittee for their tireless work on this bill and Subcommittee Chairwoman GRACE NAPOLITANO and House Natural Resources Chairman RAHALL for their commitment to moving this bill forward.

This is common sense, bipartisan legislation that allows for development of clean hydropower at Diamond Fork. I urge my colleagues to support its passage.

Mrs. NAPOLITANO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2008, as amended.

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

A motion to reconsider was laid on the table.

HOH INDIAN TRIBE SAFE HOMELANDS ACT

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1061

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hoh Indian Tribe Safe Homelands Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term ''Federal land'' means the approximately 37-acre parcel of land—

(A) administered by the National Park Service;

(B) located in sec. 20, T. 26N, R. 13W, W.M., south of the Hoh River; and

(C) depicted on the Map.

(2) MAP.—The term ''Map'' means the map entitled ''Hoh Indian Tribe Safe Homelands Act Land Acquisition Map'' and dated May 14, 2009.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 434 acres of land—

(A) owned by the Tribe; and

(B) depicted on the Map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) TRIBE.—The term ''Tribe'' means the Hoh Indian Tribe.

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF TRIBE.

(a) FEDERAL LAND.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(A) all right, title, and interest of the United States in and to the Federal land are considered to be held in trust by the United States for the benefit of the Tribe, without any action required to be taken by the Secretary; and

(B) the Federal land shall be excluded from the boundaries of Olympic National Park.

(2) SURVEY BY TRIBE.—

(A) IN GENERAL.—The Tribe shall—

(i) conduct a survey of the boundaries of the Federal land; and

(ii) submit the survey to the Director of the National Park Service for review and concurrence.

(B) ACTION BY DIRECTOR.—Not later than 90 days after the date on which the survey is submitted under subparagraph (A)(ii), the Director of the National Park Service shall—

(i) complete the review of the survey; and

(ii) provide to the Tribe a notice of concurrence with the survey.

(C) AVAILABILITY OF SURVEY.—Not later than 120 days after the date on which the notice of concurrence is provided to the Tribe under subparagraph (B)(ii), the Secretary shall—

(i) submit a copy of the survey to the appropriate committees of Congress; and

(ii) make the survey available for public inspection at the appropriate office of the Secretary.

(b) NON-FEDERAL LAND.—

(1) IN GENERAL.—On fulfillment of each condition described in paragraph (2), and upon compliance with the National Environmental Policy Act of 1969, the Secretary shall take the non-Federal land into trust for the benefit of the Tribe.

(2) CONDITIONS.—The conditions referred to in paragraph (1) are that the Tribe shall—

(A) convey to the Secretary all right, title, and interest in and to the non-Federal land; and

(B) submit to the Secretary a request to take the non-Federal land into trust for the Tribe.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that—

(1) the condition of the Federal land as in existence on the date of enactment of this Act should be preserved and protected;

(2) the natural environment existing on the Federal land on the date of enactment of this Act should not be altered, except as otherwise provided by this Act; and

(3) the Tribe and the National Park Service shall work cooperatively regarding issues of mutual concern relating to this Act.

(d) AVAILABILITY OF MAP.—Not later than 120 days after the survey required by subsection (a)(2)(A) has been reviewed and concurred in by the National Park Service, the Secretary shall make the Map available to the appropriate congressional committees. The Map also shall be available for public inspection at the appropriate offices of the Secretary.

SEC. 4. USE OF FEDERAL LAND BY TRIBE; COOPERATIVE EFFORTS.

(a) USE OF FEDERAL LAND BY TRIBE.—

(1) RESTRICTIONS ON USE.—The use of the Federal land by the Tribe shall be subject to the following conditions:

(A) BUILDINGS AND STRUCTURES.—No commercial, residential, industrial, or other building or structure shall be constructed on the Federal land.

(B) NATURAL CONDITION AND ENVIRONMENT.—The Tribe—

(i) shall preserve and protect the condition of the Federal land as in existence on the date of enactment of this Act; and

(ii) shall not carry out any activity that would adversely affect the natural environment of the Federal land, except as otherwise provided by this Act.

(C) LOGGING AND HUNTING.—To maintain use of the Federal land as a natural wildlife corridor and provide for protection of existing resources of the Federal land, no logging or hunting shall be allowed on the Federal land.

(D) ROADS.—

(i) ROUTINE MAINTENANCE.—Routine maintenance may be conducted on the 2-lane county road that crosses the Federal land as in existence on the date of enactment of this Act.

(ii) EXPANSION.—The county road described in clause (i) may not be widened or otherwise expanded.

(iii) RECONSTRUCTION.—If the county road described in clause (i) is compromised due to a flood or other natural or unexpected occurrence, the county road may be reconstructed to ensure access to relevant areas.

(iv) OTHER ACCESS ROUTES.—Except as provided in clause (iii) and subsection (b)(2), no other road or access route shall be permitted on the Federal land.

(2) USES APPROVED BY TREATY.—

(A) IN GENERAL.—The Tribe may authorize any member of the Tribe to use the Federal land for—

(i) ceremonial purposes; or

(ii) any other activity approved by a treaty between the United States and the Tribe.

(B) NO EFFECT ON TREATY RIGHTS OF TRIBE.—Nothing in this Act affects any treaty right of the Tribe in existence on the date of enactment of this Act.

(b) COOPERATIVE EFFORTS.—The Secretary and the Tribe—

(1) shall enter into cooperative agreements—

(A) for joint provision of emergency fire aid, on completion of the proposed emergency fire response building of the Tribe; and

(B) to provide opportunities for the public to learn more regarding the culture and traditions of the Tribe;

(2) may develop and establish on land taken into trust for the benefit of the Tribe pursuant to this Act a multipurpose, nonmotorized trail from Highway 101 to the Pacific Ocean; and

(3) shall work cooperatively on any other issues of mutual concern relating to land taken into trust for the benefit of the Tribe pursuant to this Act.

SEC. 5. TREATMENT OF TRUST LAND AS PART OF RESERVATION.

All land taken into trust for the benefit of the Tribe pursuant to this Act shall be a part of the reservation of the Tribe.

SEC. 6. GAMING PROHIBITION.

The Tribe may not conduct on any land taken into trust pursuant to this Act any gaming activities—

(1) as a matter of claimed inherent authority; or

(2) under any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated by the Secretary or the National Indian Gaming Commission pursuant to that Act)).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. BORDALLO. Madam Speaker, H.R. 1061 would transfer certain Federal and non-Federal land in the State

of Washington to the Hoh Indian Tribe to be held in trust by the United States for the benefit of the tribe.

The Hoh Indian Tribe is located on the coast of Washington. Its coastline is situated such that it is subject to frequent flooding and is located in a tsunami zone. The tribe has acquired approximately 420 acres of land from private sources to relocate its government offices and tribal members. The bill would place this newly acquired 420 acres of land into trust for the tribe.

H.R. 1061 would also transfer approximately 37 acres of land from the Olympic National Park into trust for the tribe in order to connect the tribes's newly acquired lands to its current lands. The National Park Service has no objection to this transfer. No gaming may be conducted on any lands placed into trust pursuant to this act. In addition, there are several restrictions on the land being transferred to the tribe from the Olympic National Park.

I want to commend our colleague, Madam Speaker, Mr. DICKS of Washington, for his hard work and dedication to this legislation, and I ask my colleagues to support its passage.

I reserve the balance of my time.

□ 1430

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

Madam Speaker, I commend the Democrat majority for scheduling H.R. 1061 under suspension of the rules today. Today, the House is setting a valuable precedent by removing certain lands managed as part of Olympic National Park from Federal ownership to meet a legitimate need. The National Park Service has expressed support for conveying these Federal lands to the Hoh Indian Tribe without consideration. To date, we have not been made aware of any opposition lodged by environmental groups to this national park land transfer.

The Hoh Tribe has demonstrated a compelling need to add lands to its existing reservation to provide a safe area in which to construct housing and other facilities for its members. The tribe's reservation currently lies within one of the rainiest areas of the country on the Olympic Peninsula of Washington. Classified as a tsunami zone and prone to major flooding, the reservation receives 140 inches of rain per year. The transfer of land by H.R. 1061 enables the tribe to expand the eastern side of its reservation a little further upland and a safe distance from major flooding. The lands so transferred are currently part of Olympic National Park, one of the most beautiful and pristine parks in the United States of America.

The precedent we set today should encourage the House to consider additional Federal land transfers that have the potential to benefit communities for safe, affordable housing, access, and other economic development interests.

Again, Madam Speaker, I am pleased to express my support for H.R. 1061 and urge the House to pass it in a bipartisan way.

With that, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

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

Mr. DICKS. I appreciate very much the distinguished gentlelady yielding to me.

I rise to urge passage of H.R. 1061, the Hoh Indian Tribe Safe Homelands Act, which I sponsored. The Hohs are one of eight tribes in the district I represent. This legislation is primarily for the safety of the Hoh Tribe to help them relocate out of a tsunami zone and floodplain. The legislation accomplishes this goal by transferring a small parcel of land in the Olympic National Park to the tribe. In addition, the legislation will place into trust this transferred park service land, along with other lands recently acquired by the tribe. There is a companion bill in the other body which is sponsored by Senator MURRAY and cosponsored by Senator CANTWELL.

The Hoh Tribe lives in an extraordinarily spectacular place on the Olympic Peninsula where the Hoh River empties into the Pacific Ocean. But with this spectacular beauty comes real danger. Throughout the year, the Hoh Tribe must deal with the threat of tsunamis. The Pacific Coast is an extremely active seismic zone. Every time there is an earthquake in the eastern Pacific area, the Hoh Tribe, along with other coastal tribes in Washington State, must be vigilant for a tsunami, which could prove devastating.

In addition to the tsunami threat, the tribe must deal with severe flooding on a more or less annual basis during the winter storm season, which lasts far longer than the time period officially designated as winter. The tribe's dry lands on their already small reservation have shrunk over the years because the Hoh River and the Pacific Ocean are encroaching upon their lands. They have suffered through high floods that have destroyed homes, tribal buildings, and other tribal infrastructure. A few years ago, my office had to call the Washington State National Guard in order to help the tribe place sandbags during a flood emergency.

Let me reiterate that all of the tribe's current reservation is located within a tsunami zone and nearly all of it within a floodplain. Sadly, it has become an unsafe place for the tribal members who live on the reservation. These threats preclude Federal agencies, including the BIA, FEMA, and HUD, from providing assistance due to the location within a flood-prone area. This clearly is an unacceptable situation for the tribe.

In response, the Hoh Tribe has come up with its own plan on how to solve this problem, and I support it strongly. The tribe has purchased several parcels of land a short distance and upland from the current reservation that would be acceptable for housing, infrastructure, and other tribal projects. More importantly, this newly acquired land is away from the floodplain and tsunami zone. The State of Washington's Department of Natural Resources also has given the tribe a parcel of logged land in this same area.

To add to the newly acquired property, this legislation would transfer to the tribe a 37-acre parcel of land currently part of Olympic National Park. This small parcel would make all of these lands contiguous to the existing reservation. In addition, the main road for the tribe runs through this parcel currently owned by the National Park Service. The tribe, Olympic National Park, and others within the park service have agreed to transfer the parcel to the tribe, with certain restrictions on development, including a prohibition on gaming. This is a mutually agreeable arrangement worked out by the tribe and the National Park Service.

The transfer of this land to the Hoh Tribe is also of benefit to the Park Service. This land has been logged repeatedly and therefore is not considered to be high-value from an ecological point of view. The parcel in its current state also is difficult for the park service to manage because it is a small 37-acre sliver of land surrounded by non-Federal land.

Another reason the land transfer is beneficial to the park service is that it further demonstrates how Olympic National Park is a good neighbor. Any of my colleagues who represent districts with Federal land know how important it is for these agencies to respect their non-Federal neighbors and to provide them benefit.

The tribe has done a good job reaching out to its neighbors in the area and gaining support for this project. Local landowners, the Hoh River Trust, environmental organizations, and others support this legislation. Elected officials who support this legislation include Governor Gregoire, the local State representatives and senators, and the Jefferson County commissioners.

So, clearly, it is time for the Congress to do its part and pass this legislation. We need to clear the way for Federal assistance from FEMA, BIA, HUD, and other Federal agencies in an area desperately in need of it.

I want to thank Chairman RAHALL and Ranking Member HASTINGS for shepherding this legislation through the process that brought us here to the House floor today. I also want to thank Janet Ericson who is the new staff director of the Office of Indian Affairs. And I would be remiss if I did not recognize the hard work on this bill by Janet's predecessor, Marie Howard.

In closing, I want to commend the Hoh Tribe and tribal council, Chairwoman Maria Lopez, and Alexis Berry, the executive director, for their vision, their steadfastness of purpose, and their sustained effort to fix a serious problem. You have done a remarkable job of doing your part to solve the very difficult problem that you face. Now it is up to the House to pass this legislation so it can soon be signed into law.

I appreciate the gentlewoman yielding me time today. This is an important issue in my district, and I appreciate the bipartisan cooperation that we have received on this bill.

Mr. CONYERS. Madam Speaker, I rise tonight in support of the "Hoh Indian Tribe Safe Homelands Act." This act declares that 37 acres of land within Olympic National Park is held in trust by the United States for the benefit of the Hoh Indian Tribe, a federally recognized tribe.

The Hoh Tribe has demonstrated a compelling need to add lands to its existing Reservation to provide a safe area in which to construct housing and other facilities for its members. The present reservation area is in a tsunami zone and prone to major flooding. Additionally, Federal agencies such as the Bureau of Indian Affairs, the Department of Housing and Urban Development, and the Federal Emergency Management Agency have limited authority to assist the tribe with housing and other improvements and services due to the dangerous and unsustainable location of the reservation.

I applaud Chairman RAHALL for his diligence in transferring this land to the Hoh Indian Tribe to enable them to live with a sense of stability and without fear of flooding.

I encourage my colleagues to support the bill.

Mr. CHAFFETZ. Madam Speaker, I again urge passage of this important bill and support its passage.

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

Ms. BORDALLO. Madam Speaker, I again urge Members to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1061, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

HONORING THE LIFE OF JACQUES-YVES COUSTEAU

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 518) honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 518

Whereas Jacques-Yves Cousteau was born on June 11, 1910, in Saint-Andre-de-Cubzac, France, to Daniel and Elizabeth Cousteau;

Whereas Jacques-Yves Cousteau in 1930, after having made his preparatory studies at the College Stanislas in Paris, entered the Naval Academy in Brest and became an officer gunner;

Whereas after serving in the French Army during World War II, he was decorated with the Legion of Honor, France's highest honor;

Whereas in 1950, Jacques-Yves Cousteau founded the French Oceanographic Campaigns (COF), and he leased a ship called Calypso and equipped her as a mobile laboratory for field research and as a support base for diving and filming where he traversed the most interesting seas of the planet as well as big and small rivers;

Whereas from 1952 to 1953, Jacques-Yves Cousteau took the Calypso to the Red Sea and shot the first color footage ever taken at a depth of 150 feet, for a documentary titled "The Silent World";

Whereas "The Silent World" was filmed using ground-breaking skin-diving gear that Cousteau invented with engineer Emile Gagnan in 1943, freeing divers from heavy helmets and allowing them to be free and weightless as if in space;

Whereas in 1956, "The Silent World" won the top award at the Cannes Film Festival and the Academy Award for Best Documentary Feature in the United States;

Whereas in 1973, Jacques-Yves Cousteau created the Cousteau Society for the Protection of Ocean Life;

Whereas in 1977, Jacques-Yves Cousteau was awarded the United Nations International Environment prize for outstanding contributions in environmental advocacy;

Whereas in 1977, the "Cousteau Odyssey" series premiered on PBS, and seven years later, the "Cousteau Amazon" series made its television premiere;

Whereas in 1985, in honor of his achievements, Jacques-Yves Cousteau received the Grand Croix dans l'Ordre National du Mérite from the French government and the United States Presidential Medal of Freedom from President Ronald Reagan;

Whereas throughout all of his voyages, Jacques-Yves Cousteau produced over 120 films and authored or contributed to roughly 50 books; and

Whereas Jacques-Yves Cousteau passed away in Paris on June 25, 1997, after spending a lifetime of 87 years inventing, exploring, and storytelling: Now, therefore, be it

Resolved, That the House of Representatives honors the life, achievements, and distinguished career of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation.

The SPEAKER pro tempore (Mr. SALAZAR). Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

I rise in support of House Resolution 518. It's a resolution to honor the life and achievements of Jacques-Yves Cousteau, introduced by my good friend from Florida, ILEANA ROS-LEHTINEN.

Mr. Cousteau spent his lifetime as a researcher, explorer, and pioneer in the field of marine conservation. He produced more than 120 films, wrote more than 50 books, and was the first diver to take color footage at a depth over 150 feet. Mr. Cousteau's work brought the colorful, exotic, and unknown world of undersea life to the homes of people around the world and, in doing so, sparked a generation of conservation-minded ocean activists.

The Cousteau Society for the Protection of Ocean Life, founded by Cousteau in 1973, today boasts more than 360,000 members globally. House Resolution 518 would officially honor the brilliant and inspirational work of Jacques-Yves Cousteau and recognize his invaluable contributions to our understanding of the world's oceans. It is most fitting that we honor him today, Mr. Speaker, because today is World Oceans Day.

With that, I ask Members on both sides of the aisle to support the passage of this resolution.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as she may consume to the author of this legislation, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, the gentleman from Utah, Congressman CHAFFETZ, for yielding me the time.

Mr. Speaker, as the author of House Resolution 518, I would like to also thank the Natural Resources Committee ranking member, Congressman DOC HASTINGS, as well as Chairman NICK RAHALL for their support and their assistance in moving this resolution to the floor today. Today is World Oceans Day.

I would also like to recognize the bipartisan support by members of the Natural Resources Committee, including Oceans Subcommittee chair MADELINE BORDALLO. Thank you very much, Madam Chair, and Congresswoman LOIS CAPPS of California.

Later this evening, Mr. Speaker, Congresswoman CAPPS and I will be honored by the National Marine Sanctuary Foundation for our work on ocean issues, namely, coastal restoration and coral reef rehabilitation. Of course, we take inspiration from the extraordinary life and career of Captain Jacques-Yves Cousteau.

Captain Cousteau was a pioneering explorer of the seas and of the many environmental issues that we face today. When explaining his relentless passion for ocean exploration and conservation, he said, ''People protect what they love.''

My congressional district, Mr. Speaker, includes the Florida Keys National Marine Sanctuary, one of the largest coral reef tracts in the world, countless species of fish and wildlife, and three national parks.

Today, countless small business owners and their families are fighting to protect the ecosystem and the way of life that they hold dear. For 50 days, crude oil from the Deepwater Horizon oil rig has spewed 40 million gallons of oil in the Gulf of Mexico, resulting in the worst environmental disaster in American history.

According to recent analysis by the University of Central Florida, the oil rig disaster will cost Florida's economy $2.2 billion and 39,000 jobs in the tourism and fishing industry. I am certain that Captain Cousteau would be horrified by BP's nonchalance in responding to this crisis.

My constituents in the beautiful Florida Keys are particularly frustrated and angry at the lack of transparency and lag response times by BP. BP must work on all fronts at once. It is responsible for capping the leak to prevent more oil from gushing into the gulf, and it must provide the financial support to those individuals whose livelihoods have been devastated.

□ 1445

BP and the Coast Guard must also make a stronger effort at coordinating with our local governments, especially in the Keys, and utilizing the expertise and know-how of local businessmen and fishermen, as well as our many research facilities in Florida's colleges and universities.

As oil makes its way further into north Florida beaches, hundreds of fishermen, environmental activists, students, and other concerned residents have gathered together ready to assist in the cleanup effort. Commercial fishermen and charter boat captains have offered their assistance to lay boom and to skim oil before it reaches the shore.

In Key West, organizations like the United Way and the Florida Keys Environment Coalition have gathered volunteers ready to patrol the shoreline for tar balls. I am so grateful for the leadership of these great local organizations during this crisis. Their daily activism is a tribute to Jacques Cousteau.

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

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

House Resolution 518 recognizes the life of Jacques Cousteau for bringing the underwater world to the living rooms of the Nation through his television shows and documentaries.

I, like countless others, was impacted by the dramatic way in which he showed us a world that was so foreign and so far away. The work that he did, with that staff and that crew, had a profound impact upon countless people, including myself. It's an honor to stand here in support of the passage of this important resolution and thank him and the great impact that he had for the deep appreciation and education that he gave relating to our oceans.

We urge passage of this resolution.

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

Ms. BORDALLO. Mr. Speaker, in closing, I want to go on record to say that I agree with the gentlewoman from Florida that this oil spill is a tragedy. I will work very closely with our chairman, Mr. NICK RAHALL, to ensure that the laws are changed to prevent such a disaster in the future.

Mr. Speaker, I again urge Members to support this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 518, legislation honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation.

First I want to thank the chief architect, the gentle lady from Florida, Ms. ILEANA ROS-LEHTINEN, for her leadership on this important resolution. I also want to thank the gentle lady from Guam, Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, my good friend MADELEINE BORDALLO, and all my colleagues on the Natural Resources Committee for their support on H. Res. 518.

This house resolution enjoys bi-partisan support as well as the blessings of the Cousteau family. And it is most fitting that we approve this measure to recognize the life and accomplishments of Jacques Cousteau on the 100th anniversary of his birth on June 11, 1910.

Mr. Speaker, H. Res. 518 recognizes an exceptional individual that has left an indelible mark on marine science, research and conservation. Over the span of his career, Mr. Cousteau produced over 120 films, authored or contributed to 50 books, invented the skin diving gear, and was awarded the prestigious United Nations International Environmental prize as well as the Presidential Medal of Freedom from President Ronald Reagan.

In 1952–53, Mr. Cousteau sailed to the Red Sea on the Calypso and filmed the first color footage ever taken at 150 feet depth. Called ''The Silent World'', the documentary won the Academy Award for the Best Documentary Feature in the United States and was also awarded the top honor award at the Cannes Films Festival in 1956.

Mr. Speaker, I am pleased to know that the legacy of Cousteau lives on with his family. An article by Shelly Banjo in today's edition of the Wall Street Journal highlighted the works of Fabien Cousteau, grandson of Jacques Cousteau. Following the footsteps of his grandfather, the younger Cousteau is pursuing marine conservation projects to restore and protect bodies of water around the world. These efforts are not only important to sustain our oceans and marine resources, but they would also teach and educate everyone on the value of our oceans and aquatic life.

At the time when our nation is facing one of its worst oil spills in our history, the legacy of Cousteau continues to serve as a reminder to all of us about the importance and values in marine conservation and about managing our natural resources.

Mr. Speaker, I urge my colleagues to support H. Res. 518.

Mrs. CAPPS. Mr. Speaker, I rise to offer my support for H. Res. 518, a resolution honoring the life and accomplishments of the great environmentalist Jacques Cousteau.

Jacques Cousteau was an inventor, an explorer and a concerned citizen of our world.

He invented a waterproof housing for an underwater movie camera in 1936, and in 1943, with French engineer Emile Gagnon created the Aqualung, which allowed divers to swim untethered underwater for several hours. Cousteau fought for the French in World War II, and the Aqualung was used by divers to locate and remove enemy mines after the war.

In 1950 he purchased the ship *Calypso* from which to conduct his explorations of the world oceans, beginning the work for which he is perhaps best known: bringing the excitement of the oceans to the public.

He showed people around the world the beauty of ocean ecosystems—from the Red Sea to Antarctica and from the Caribbean to the Indian Ocean—exploring the depths with a sense of adventure and exposing the oceans as the last earthy frontier to be explored.

He also lectured, produced amazing underwater photography, and published many books. Two of his films, ''The Silent World'' and ''World Without Sun'' won Academy Awards for best documentary.

His television program, ''The Undersea World of Jacques Cousteau,'' which aired from 1968 to 1976, won multiple Emmy's and brought the marvels of his expeditions and the undersea world into American homes, inspiring many to love the sea and to pursue careers in marine science.

In 1974 he founded The Cousteau Society to help raise public awareness of ocean issues and help promote wise management of our ocean resources. And in 1985 he was awarded the Medal of Freedom by President Ronald Reagan. Finally, in 1989 he was honored by the French with membership in the French Academy.

Mr. Speaker, Jacques Cousteau taught the world how to appreciate, understand, explore, use, and preserve the oceans. We all owe a debt of gratitude to him and his family for raising the public awareness and support for the wonder and beauty of the world's oceans.

As we celebrate World Oceans Week, it is my hope that we can honor the wisdom of Jacques Cousteau by working together to improve the health of our oceans, so that our children and grandchildren will have a chance to enjoy and cherish them as he did.

I encourage all of my colleagues to join me in supporting this resolution honoring the world renowned Jacques Cousteau.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 518, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 2 o'clock and 48 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ESHOO) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5072, FHA REFORM ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–503) on the resolution (H. Res. 1424) providing for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 1061, by the yeas and nays;

H. Res. 518, by the yeas and nays.

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

HOH INDIAN TRIBE SAFE HOMELANDS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 347, nays 0, not voting 84, as follows:

[Roll No. 337]

YEAS—347

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

NOT VOTING—84

Ackerman
Andrews
Barrett (SC)
Berkley
Berry
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Brady (TX)
Brown (SC)
Burgess
Calvert
Campbell
Cardoza
Carter
Clarke
Clyburn
Conyers
Costa
Doyle
Edwards (TX)
Fallin
Flake
Gerlach
Giffords
Gordon (TN)
Granger
Griffith
Grijalva
Gutierrez
Harman
Herger
Hodes
Hoekstra
Holt
Hoyer
Inglis
Issa
Kennedy
Kilpatrick (MI)
Kilroy
Langevin
Larson (CT)
LaTourette
Lewis (CA)
Lofgren, Zoe
Lowey
Mack
McDermott
McHenry
McMorris Rodgers
Miller, Gary
Miller, George
Mollohan
Nadler (NY)
Payne
Price (GA)
Price (NC)
Radanovich
Richardson
Rodriguez
Rohrabacher
Ryan (OH)
Schakowsky
Schwartz
Sires
Slaughter
Smith (WA)
Speier
Spratt
Stark
Stupak
Thompson (CA)
Tierney
Titus
Towns
Tsongas
Wamp
Waters
Watson
Waxman
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1826

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 337, had I been present, I would have voted "yes."

Mr. MCDERMOTT. Mr. Speaker, on rollcall No. 337, had I been present, I would have voted "yea."

HONORING THE LIFE OF JACQUES-YVES COUSTEAU

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 518) honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 518, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 77, as follows:

[Roll No. 338]

YEAS—354

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

NOT VOTING—77

Ackerman
Andrews
Baird
Barrett (SC)
Barton (TX)
Berkley
Berry
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Brady (TX)
Brown (SC)
Calvert
Campbell
Carter
Clyburn
Conyers
DeGette
Dicks
Doyle
Edwards (TX)
Fallin
Flake
Gerlach
Giffords
Gordon (TN)
Griffith
Grijalva
Gutierrez
Harman
Hirono
Hodes
Hoekstra
Hoyer
Inglis
Issa
Kennedy
Kilpatrick (MI)
Larson (CT)
LaTourette
Lewis (CA)
Lofgren, Zoe
Mack
Manzullo
McHenry
Miller, Gary
Miller, George
Mollohan
Payne
Pitts
Price (NC)
Radanovich
Richardson
Rodriguez
Rogers (AL)
Rohrabacher
Schakowsky
Sires
Smith (WA)
Speier
Spratt
Stark
Stupak
Thompson (CA)
Tierney
Titus
Towns
Tsongas
Van Hollen
Wamp
Waters
Watson
Waxman
Westmoreland
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Three minutes remain in this vote.

□ 1834

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on June 8, 2010, I regret that I was not present to vote on H.R. 1061 and H. Res. 518.

Had I been present, I would have voted "yea" on both bills.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was not able to attend to several votes today. Had I been present, I would have voted "aye" on final passage of H.R. 1061, and "aye" on final passage of H. Res. 518.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. Had I been present, I would have voted "yea" on rollcall votes 337 and 338.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 8, 2010 at 3:08 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Western Balkans first declared in Executive Order 13219 of June 26, 2001.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–118)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2010.

The crisis constituted by the actions of the persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of

May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 8, 2010*.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 8, 2010 at 3:08 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Belarus first declared in Executive Order 13405 of June 16, 2006.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO BELARUS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–119)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2010.

Despite the release of internationally recognized political prisoners in the fall of 2008 and our continuing efforts to press for further reforms related to democracy, human rights, and the rule of law in Belarus, serious challenges remain. The actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus democratic processes or institutions, to commit human rights abuses related to political repression, and to engage in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared to deal with this threat and the related measures blocking the property of certain persons.

BARACK OBAMA.

THE WHITE HOUSE, *June 8, 2010*.

CONGRATULATING CHARLES COLE MEMORIAL HOSPITAL

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate Charles Cole Memorial Hospital in Coudersport, Pennsylvania, for winning a 2010 Achievement Award from the Hospital and Healthsystem Association of Pennsylvania.

Charles Cole Memorial was among 17 winners chosen from a pool of 134 entries. Through their incredibly successful efforts to solidify their connection to the community, the Charles Cole leaders and staff showed the importance of transparency and accessibility in the health care field.

The hospital established five Community Benefit Advisory Committees as outlets for the community to become involved in planning, operations, and governance. Committees met several times, both regionally and as part of the organization, and continue to serve as integral team members and community correspondents for the hospital staff. Recent data, when compared to baseline data taken before the establishment of these advisory committees, showed improvement in every major field, including the image of the hospital, visibility in the community, and quality of care.

The hospital will continue this great program. And as a person who spent many years in the health care field, I understand the importance of this effort and hope to see Charles Cole Memorial Hospital continue to succeed in the future.

CONGRATULATING FORT BEND BAPTIST EAGLES

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

Mr. OLSON. Mr. Speaker, I rise today to commend the Fort Bend Baptist Eagles on their second consecutive 4A Texas Association of Private and Parochial Schools softball title.

The Eagles beat Fort Worth Christian on May 14 in Belton, Texas. They won 1–0 behind senior Rachel Fox's 10 strikeouts. Coach Kelly Ferguson coached her third team in 4 years to a State championship.

Participating in high school sports builds leadership and confidence in student athletes, and the Eagles have exemplified those traits in spades. The Fort Bend Baptist Eagles are proven role models for their school and community. Through hard work and dedication, they have achieved the goals they set themselves at the beginning of the season.

Mr. Speaker, I congratulate the Fort Bend Baptist Eagles on their back-to-back championship titles. I thank them for representing their community and their school with pride.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNQUALIFIED JUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the new Supreme Court pick, Elena Kagan, has never been a judge. She's never seen a courtroom from the bench. She's never had a judge's responsibilities. Elena Kagan has never instructed a jury. She's never ruled on a point of law—any point of law. She has not decided even one constitutional issue. She's never tried a criminal case. She's never tried a civil case. She's never even tried a traffic case.

We don't know whether or not she believes the Constitution is the foundation of American law or whether she thinks, like many, the Constitution constantly changes based upon the personal opinions of Supreme Court Justices. But either way, Elena Kagan has never had to make a constitutional call in a court of law in the heat of a trial.

□ 1845

She has never admitted evidence or ruled out evidence or ruled on the chain of custody regarding evidence. She has never made even one decision regarding any rule of evidence.

She has never ruled on the exclusionary rule, the Miranda doctrine, an unlawful search and seizure allegation,

a due process claim, an equal protection violation or any constitutional issue.

She has never empaneled a jury. She has never instructed a jury on a reasonable doubt or sentenced a person to the penitentiary.

She has never had to decide whether a witness was telling the truth or not. As a judge, she has never heard a plaintiff, a defendant, a victim, or a child testify as a witness. She has never made that all-important decision of deciding whether or not a person is guilty or not guilty of a crime.

She has never held a gavel in a courtroom, and she has never made any decision in the heat of a trial. She has never ruled on a life-or-death issue.

Elena Kagan has never made a judgment call from the bench—not a single one. Yet, as a Supreme Court Justice, she would be second-guessing trial judges and trial lawyers who had been through the mud, blood, and tears of actual trials in actual courts of law. How can she possibly be qualified to fill the post of a Supreme Court Justice?

Kagan is an elitist academic who has spent most of her time out of touch with the real world and with the way things really are. Being a judge would be an exercise to the new Supreme Court nominee. She has read about being a judge in books, I suppose. She might even have played pretend in her college classroom. But she has never been a judge. She has never made a judicial decision, and her first one should not be as a member of the United States Supreme Court. She has never determined justice—not a single time. Yet she wants to be a Supreme Court Justice.

Besides never being a judge, she has never even been a trial lawyer. She has never questioned a witness, argued a case to a jury, or tried any case to any jury anywhere in the United States. She has absolutely no courtroom trial experience as a judge or as a lawyer. Real-world experience makes a difference. Reading books about something and actually doing it are two completely different things.

People's lives and livelihoods are at stake in these courtroom decisions. Courtroom experience is fundamental to being a judge on the Supreme Court. As anyone who has been through the court system can testify, a courtroom is a whole different world.

Putting Elena Kagan on the United States Supreme Court is like putting someone in charge of a brain surgery unit who has never done an operation. She may be qualified for the classroom, but she is certainly not qualified for the courtroom. She should stay in the schoolhouse since she has never been in trial at the courthouse. We cannot put the Constitution in the hands of someone who has never had to use it in the trial of a real case in a real court of law.

Elena Kagan—unqualified justice. And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

(Mr. WEINER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ISRAEL'S RIGHT TO SELF-DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, I rise to affirm Israel's right to self-defense and to express my outrage over the knee-jerk international condemnation of our strong ally following the recent flotilla incident.

The video is clear: The activists ignored warnings from Israeli forces to turn away from Gaza, and they disregarded invitations to offload their supplies elsewhere. Worst of all, they placed Israeli forces in grave danger by brutally attacking them.

Many countries immediately condemned Israel. Their reactions sharply contrast with their failures to denounce the hostile behavior of Iran and North Korea.

I applaud the Obama administration for avoiding this double standard. The United States must always stand against the unfair treatment of an important ally.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE 10TH AMENDMENT TASK FORCE

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Thank you, Mr. Speaker.

I appreciate the opportunity to be here and for talking especially about the 10th Amendment and about some of the efforts that Members of this House are making in a way to try and emphasize the significance and the importance of that particular amendment to the Constitution.

You know, Mr. Speaker, for the people who are allowed to work in this Chamber or for those who come in to visit, there are all sorts of historical references that they can see.

Up around the top of the wall over here, there are the cameos of the great icons of the world, of the great lawgivers of the world. Moses is the greatest of all lawgivers. He is the only one who has a full face, and he is looking directly at the Speaker. Everyone else has a side view going around here.

And there are only two Americans in this pantheon of great lawgivers in the history of the world, George Mason and Thomas Jefferson, who are on either side of the Speaker's rostrum, with some great language from Webster, telling us to use our resources to develop this country, which is in between the two.

I always thought it was somewhat ironic that Jefferson and Mason were the two great lawgivers whom we have from the United States in this Chamber, because neither of them actually signed the Constitution. Jefferson was not present at the time, and George Mason was one of three people who spent the entire time at the Constitutional Convention but who, at the end of that time, still refused to affix his signature to the document itself.

As I was teaching school, I insisted that every one of my kids had to say why Mason was one of those who did not sign the document. What was his rationale for it? Of course, it was because the document did not have a Bill of Rights.

Now, I was always hoping that one of my students would ask what I still think is a more significant question, which is not why did Mason not sign but, rather, why did all of the other brilliant men, the Founding Fathers—Washington and Franklin and Madison and Hamilton and Wilson and Dickinson and the rest—not go along with Mason? Why did they not add a Bill of Rights into the base document?

It was certainly not because these Founding Fathers did not believe in the idea of individual liberty. They had another method, another mechanism, that they thought more specific than actually listing down what our rights are and are not. It was the structure of government. Though not specifically

named in the document, it becomes the essential element of the Constitution. And the purpose of that structure was to ensure that individual liberties would be maintained and that personal dignity and personal freedoms would be benefited and would grow in this country.

So those Founding Fathers, when they built our system of government, divided power horizontally between the three branches of government—executive, legislative, and judicial—with the goal and purpose of balancing those three so that individual liberties would be protected. Indeed, the problem is, if ever those three branches horizontally are out of balance, where one branch of government has far more ability to control the outcome of policy than the other, it is individual people who are hurt. It is their rights that are put in jeopardy.

Now, they thought it was going to be very easy for those three branches of government to maintain that special balance because each one would have a vested interest in maintaining their particular roles within the system. Yet what is often forgotten, especially in public school classes about government, is, in addition to that horizontal balance of power, equally important to the Founding Fathers was a vertical balance of power between the national government and the States.

Once again, the purpose of that balance was supposed to be to protect individual liberties. Again, if that balance is off kilter, then individuals are harmed. But the question always was: Would the Federal Government, the national government, be sufficient to try and maintain itself and to govern itself to create and maintain that balance?

In the Federalist Papers, obviously people like Madison and Hamilton, who wrote those Federalist Papers, envisioned this. This was part of their argument to this Nation on why the Constitution should be adopted.

Madison, in Federalist 45, said that the powers delegated by this proposed Constitution are few and defined. Those which are to remain in the State government are numerous and indefinite. Why? Because powers reserved to the States will extend to all the objects which concern the lives, liberties, and properties of the people.

In Federalist 32, Hamilton said the same thing when he simply said that any attempt on the part of the national government to abridge any State power would be a violent assumption of power unwanted by any article or clause of the Constitution.

Indeed, when Hamilton was arguing on whether to add a Bill of Rights to the Constitution itself, he simply asked the question: Why should we prohibit that which cannot be done? The assumption always was that there would be limitations on what the Federal Government can do, not so on the States.

Now, the final one from Federalist 51, also by Madison, said that the dependence on the people is, no doubt, the primary control on government, but experience has taught mankind the necessity of auxiliary precautions.

The 10th Amendment to the Constitution—this concept of separating power horizontally between the three branches of government and vertically between the two levels of government—is one of those auxiliary precautions that the Founding Fathers realized we needed to have.

Scalia, in an opinion of the Supreme Court, once said that that Constitution's brilliance—and I'm paraphrasing this—is to divide powers among different levels and different branches of government to resist the temptation of consolidating power as a simplistic solution to the emergency of the day. That's what we are talking about.

Now, I want to emphasise very clearly that this is not the same thing as States' rights. States' rights, as we traditionally use that term, was an idea about power designed actually by Jefferson and Madison when they were talking about the Kentucky and Virginia resolutions and by Calhoun when he was talking about nullification and by Jefferson Davis when he was trying to fight the Civil War and by other groups when a lot of evils have actually been perpetuated.

States' rights is about power. Federalism and the 10th Amendment are about balancing power between branches of government, between the national government and the State government. And the balance—not control—the balance is there to protect individuals.

Because it is so easy for the Federal Government to ignore that or to forget it, we have formed a 10th Amendment Task Force. The goal and propensity of that task force is, once again, to try and reemphasize the significance of federalism and to disperse power from Washington to restore that constitutional balance of power through the liberty-enhancing elements of federalism.

We have five goals: One is to educate Congress and the public about federalism. Two is to develop proposals to disperse power to regions, to States, to local governments, and to private institutions, to families and to individuals. Three is to elevate federalism as a core focus of our leadership in Congress. Four is to monitor threats to 10th Amendment principles and to federalism. Five is to help build and foster a federalist constituency.

What we are trying to do is to make people more aware of the importance of federalism, of the importance of the 10th Amendment and how it impacts their lives and also to find ways to empower States so they can stand up to the national government and so they can reestablish the balance that was always intended to be there. Because, once again, if that balance is out of kilter, then all of a sudden individuals are harmed and people are harmed. It affects their daily lives.

If I could interrupt at this point, I would like to introduce one of the members, one of the 10 founders of this 10th Amendment Task Force to perhaps talk to you a little bit about the importance of the 10th Amendment and about the importance of federalism in restoring personal liberties and in making sure that government does not have the heavy hand that hurts and harms people, which was the intention of the Founding Fathers.

So I would yield to the gentleman from Texas for as much time as he wishes to consume at this point.

Mr. NEUGEBAUER.

Mr. NEUGEBAUER. Well, I thank the gentleman, and he brings up some excellent points.

I am a proud member of the 10th Amendment Task Force because I think one of the things that we have to do in order to restore order in this country is to get back to some of the principles that our Founders intended. They didn't intend for government to be the answer to every issue in this country.

One of the things I think back to happened a few years ago in my congressional district, which was not too long after we had the Katrina incident in New Orleans. We had a major fire in an area called Cross Plains, Texas. I went down there the next day, and the people in that region had already brought clothes to the church, so the people who had lost everything in the fire were able to receive clothes. For the people who had lost livestock, other people were going out and helping them. For people who had lost their homes, people in the community had provided temporary housing.

□ 1900

And within a very short period of time, the people in this community met their own needs. And I got an interesting phone call from a member of the media, and that person said, well, what is the government doing for the people in Cross Plains today? And I said, well, you know, the good news, we didn't need the government in Cross Plains today because the people responded to that.

And I think what we've gotten away from, as the gentleman points out, is we've kind of turned the whole concept of what the Founders thought about this country upside down. They never intended for the government to be the solution and, in fact, the best solutions happen when you keep the government closest to the people.

So the Tenth Amendment Task Force, what we're going to try to do is not only analyze some of the things we've already done; but as legislation is brought to this very floor, we're going to try to remind our colleagues of the principle of federalism, and is this the right place for this particular piece of legislation to be originated, or should this be left to the people, because every time the Federal Government puts a new law in place, individuals' liberties and freedoms are eroded.

Now, one of the things that we've been talking about in this body for a number of months now is these record deficits in our country. It wasn't many years ago that this country had a budget of $100 billion, in fact, back in, I think, 1962. This year the President of the United States brought a budget to this floor that spent over $3.7 trillion. And by the way, it's $3.7 trillion, and we don't have $3.7 trillion. In fact, we're going to borrow 42 cents for every dollar we're going to spend.

One of the reasons that we are running these record deficits is we have all of this money being funneled into the Federal system, and then we have all of these people up here in Washington trying to figure out how to spend the taxpayers' dollars, and then those monies go down to the States, and the States try to figure out how to distribute those dollars, and then the States pass them out maybe to the local communities. And here's what happens:

Here is a dollar bill that the taxpayers pay in taxes. Now, what happens is, after Washington washes this money in this massive federalism, then we have the dollar that actually gets back to the intended purpose. It's a shrunk dollar. And one of the things we can do if we really want to be serious about, one, being more government efficient is getting the government out of some of the businesses they're in so that this dollar is the dollar that gets to the people, and not this dollar that's been washed through Washington and through the States, but back to the local governments.

As I close and yield back to the gentleman, I think about the days when I was on the city council in Lubbock, Texas. And it was so discouraging to me where we would be sitting in council meetings, and we would be sitting with staff, and someone would have an innovative idea of better ways to serve our citizenry in Lubbock, Texas. But we would always hear from some of the staffers, well, there's a Federal regulation that we'll have to check on; or I'm not sure that that is in keeping with certain regulations that would keep Lubbock from getting certain kinds of funding, because it was stifling creativity in our local communities.

And so, as the gentleman points out, the Founders were very sincere about not letting the Federal Government have very many powers, because they knew where the best work happens, that to keep innovation and liberty and freedom in place was to limit the powers of our Federal Government. Some way along the line we lost our way.

And one of the reasons I joined the Tenth Amendment Task Force was to see if we can restore the spirit of the Constitution back to this body.

And with that, I yield back to the gentleman and thank him for his time.

Mr. BISHOP of Utah. I thank the gentleman from Texas for going over some specific examples of what this means to individuals.

Mr. Speaker, I hate to admit this: I'm an old school teacher. I taught history. So when I read about what the Founding Fathers intended and how they tried to structure this government, I find that fascinating.

I also recognize, unfortunately, for most people, when you talk about federalism or the Tenth Amendment, their eyes will glaze over. All they remember from those concepts is probably some essay they had to write in high school and something they didn't enjoy then and probably don't want to think about it now.

But the bottom line is, the Founding Fathers actually foresaw our day. They recognized that the solutions we need for the crisis of this day that impacts real people today is the concept of federalism. That balance, that balance which, unfortunately, has been out of balance for quite some time, is that solution and, indeed, the salvation of our future.

But, as you can obviously tell, I'm old, which is something that bothers me. However, I also recognize that the world is different. When I was a kid, television was a whole lot easier. There were only three channels and one PBS station. The dial only had 13 options on it, and, yeah, I had to actually get up and go to the TV and change the dial, so I didn't change channels that often. But that was life.

Now, when I go back this evening to my apartment, I will have a television set that gives me the option of 161 channels. Okay, it's true I still watch the same five all the time anyway, but I do have 161 options in front of me.

No longer do we have simply a telephone that's on the wall with the telephone company telling me what to do. I can go into a store and find all sorts of plans on how to communicate with other people in television today.

There are 14 kinds of wheat thins. There are 16 different varieties of Pringle potato chips. There are 160 different kinds of Campbell soup.

Even if I want vanilla, I can still go to a store that offers me 31 opportunities to pick something else.

The entire life of everyone today in the business world is one that deals with giving people choices and options. Whether it's telephone plans or kinds of cereal to buy, I have all sorts of options and choices in front of me. The business world has recognized that if they want business from me, they have to give me choice and options.

Everywhere in our life today we give choices and options. When I was a kid and I heard a song I liked, I had to go to the store and by the entire vinyl record and then put it on and hope I could drop the needle in the correct groove without destroying the record. I don't need to do that anymore. Today my kids have given me an Ipod, which means if I hear a song I like, all I now have to do is call up one of my kids and say, come over and put it on my Ipod because I don't know how to work the stupid thing. But I still have a choice.

Even—and I'm not trying to be a snob here—even in Dvorak's ''New World Symphony,'' which I like, I have to admit I like the first and the third movement, and not the second, so no longer do I have to sit through about 15 minutes of stuff I don't like before going from the first to the third. I simply took it out so I can go directly from the first to the third. Those are options.

Everybody in America today has choices or options given to them, until it comes to dealing with the government, especially with the Federal Government, because once again, all of a sudden now you come back to Washington and you find out that Washington still believes in one-size-fits-all-mentality programs and mandates. This is the only area where that's found. And the question you should be asking is: Why?

Well, it's very simple. That's our purpose of being the Federal Government. If you need to have something occurring in this country, where everyone is doing the exact same thing at the exact same time in the exact same way, the Federal Government, the national government here in Washington, is the only one that can orchestrate and mandate that. So if we have to be in lockstep, this is the level to go. This is the place to accomplish that task.

But, if, indeed, maybe something different is needed and creativity and options are important, it's not going to happen from Washington. Never has, and I don't think it ever will in the near future. If indeed you want something different, then you have to empower State and local governments to accomplish that task. If you want creativity, you allow States and local governments to fit situations to their particular needs and demographics.

Like my State of Utah is unique among the other States. We have more kids than any other State as a percentage of our population. We have more small businesses than other State as a percentage of our population. And we have a higher percentage of our small businesses with no insurance that they offer their employees than any other State in the Nation.

If you want to do some kind of health care program, for example, that fits the needs of Utah, with their high student population, their high small business population, you're going to have a program that's going to be vastly different from a State on the east coast. That doesn't happen here in Washington. It will happen if you empower States to come up with a new idea.

If you want efficiency, you empower States. If you want justice so that circumstances to a local level that are mitigating circumstances can be taken into effect, it can only happen if you empower State and local governments to do that.

Louis Brandeis, in one of his Supreme Court minority decisions, again talked about the States as the laboratory of democracy, which simply

meant, if you want people to explore creative ideas, allow them to do so. If States are the ones who are exploring those creative ideas and they do something well, it can be replicated by everyone else and maybe molded to fit the demographics of everyone else.

But if a State makes a mistake and it is wrong, only that State is negatively impacted. When Washington makes a mistake, everyone is impacted negatively, and it is very difficult to try and get out of that particular situation.

That's what the Founding Fathers were talking about. That idea of trying to give people choices and options can be accomplished if one truly believes in the idea of balance between a national government and States so States are empowered to be created, to be innovative, to come up with new ways, new approaches, and new ideas. And when we in Washington try and set mandates down to tell States how they will do things, we take away the creativity. And unfortunately, we also take away efficiency, and we take away choices and options from people.

That's what federalism means. It's not an essay to write in high school. It's about how people can live their lives to make choices for themselves. And it's very important.

With that, I'd like to take a break here and yield some time, or as much time as he may consume, as well to another great Representative from the State of Texas, who also is one of the participants with this task force, who recognizes the significance and importance of allowing people choices in their lives, and that does not come when the Federal Government sets its one-size-fits-all agenda on top of people. I yield to the gentleman from Texas for as much time as he may consume.

Mr. CONAWAY. Well, I thank the gentleman from Utah for yielding and for hosting this night's hour to talk about the Tenth Amendment and federalism.

It's probably been read into the RECORD 11 dozen times, but I want to read a quote from James Madison into the RECORD that sets the tone for what I want to talk about.

James Madison, in Federalist 45 said: ''The powers delegated to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects such as war, peace, negotiation and foreign commerce. And the powers reserved to the several States will extend to all of the objects in which, in the ordinary course of affairs concerns the lives, liberties and properties of the people.''

Mr. Speaker, I'd argue that therein lies much of the problems that we face today as a Federal Government. Since 1995, this Congress and the various administrative agencies across this vast Federal Government have issued some 60,000 new rules and regulations, everything from regulating the size of the holes in Swiss cheese to the colors for surgical sutures. And I would argue that the size of the holes in Swiss cheese probably should be defined by the folks in Wisconsin where they do a lot of cheese. But a Federal rule, Federal law that delves into that detail into the, as Madison would have referred to it as the ordinary course of affairs that concern the lives, liberties and properties of the people, that's a government that's overreached.

Part of our problem is we send people to Congress who are, at their core, can-do people, solution people, folks who want to solve issues. And our focus here is on every single problem. While our Constitution, though, says that we really are limited by the powers granted in the Constitution to this government as to those problems which we ought to take up, clearly national defense, clearly homeland security, post office roads as the phrase is used. But much of what we deal with every single day here in Congress is beyond those limited powers, because we are solutions-oriented kinds of folks and it's our nature to grab the bull by the horns and move forward with it, losing sight, of course, that the Constitution says that's not a real good thing for us to be doing.

Let me reemphasize that last sentence: ''The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and properties of the people.''

Mr. Speaker, that's an awful lot of the area of lives that committees like Education and Workforce or Labor, many of the committees up here deal in the ordinary course of affairs of the lives of people.

Now, part of the rancor that we see across this country related to the Federal Government is a sense of powerlessness by the good folks back home over issues that really ought to be dealt with back home.

□ 1915

This rage that we're seeing is driven by an overreaching Federal Government. Decisions that are best made at the local level and controlled by those people are being usurped and taken care of by 435 people here in Washington and the 100 Senators on the other side. And much of that frustration at being out of control is as a result of this Congress taking over jobs and areas that are much better left to counties and cities and States as the Founding Fathers had intended. If we were to quit delving into their personal lives affairs and ordinary course affairs, much of the conflict that is out there would disappear and would be focused on the local level where the decisions are made best as to the solution that best fits those local folks.

I get asked often by mayors and county judges and city councilmen and county commissioners and school superintendents and others, What can we do to help? What can we do to address the growing size of this Federal Government? One of the ways I ask them to help is to do a better job of vetting your requests to me and to your Federal Government for help. Make sure that whatever it is that you're asking us to do is a good idea, that there is a nexus to the Constitution, that there is a link in the Constitution that delegates the powers to this Federal Government for it to even deal with the particular problem you're bringing to us.

I would argue that much of our overspending today is driven by goodhearted people who have lost sight of the 10th amendment, have come up here and asked for help from this Federal Government, not of course realizing the strings that are going to be attached to the Federal laws that get put in place, when the solution would much better have been dealt with at the local level. Federalism, as my colleague from Utah has just stated, it's not really a left or right issue. It's not really a Democratic issue or a Republican issue. There are good things to be had by both sides. Both sides of the aisle should be able to embrace this concept so that the States do most of the heavy lifting and the counties and cities and local governments do the work that deals with the issues confronting their people. So this really shouldn't be a particularly partisan effort as we move forward.

My friend mentioned earlier about the idea that the States should be the incubators or the laboratories for experiments with how government addresses a particular program. There are two examples that I can think of off the top of my head. One is the health care experiment going on in Massachusetts. They've been at it now 3 or 4 years and it's different than what they thought it would be, they may not be able to push that to the scale of the United States, and the people of Massachusetts are struggling with how to pay for health care under the universal plan that they've put in place where everybody was mandated to have insurance. It doesn't look to me like it's working. Why would you then want to take that policy and try to extend it across the United States? I don't think you would.

An area where it has worked, and I'll brag on Texas. Six years ago, Texas put in place a tort reform program that limited the punitive damages on medical malpractice suits. So we've had a 6- or 7-year experiment involving 25 million people in Texas and it has worked. Doctors are coming to Texas because their malpractice insurance rates are lower, and the citizens of Texas are getting the care that they need. If a hospital and a physician make a mistake, the economic damages in trying to put that person back to as close to what they would have been before the mistake was made, that gets done. But these punitive damages, which sometimes just defy

logic, are no longer on the table in Texas.

And so that experiment, as the President called for in his health care speech, to test medical malpractice reform in and around the country, I would argue that we've had a 6-, almost 7-year test now working with the State of Texas on medical malpractice reform, tort reform, that really works. So in that vein, to the extent that this would be needed at the Federal level to deal with the vast medical programs that we have in place, could be replicated on a much larger scale because we've had a big enough test through the State that it makes sense.

Let me finish up by saying that because they lived 230 plus years ago, we sometimes give our Founding Fathers short shrift as to how intelligent they really were. We think because we are the most intelligent people walking the face of the earth, that we've got all the great ideas, that we don't really need to look back in the history to see and understand what they had in mind.

Quoting Madison again out of the Federalist Papers, ''The powers delegated to the Federal Government are few and defined.'' That means if you've got a plan that doesn't fit under one of those powers, then the Federal Government really at the end of the day should not pass laws that deal with that. We should have the backbone to say, ''That's a really tough problem, it's really important to people, but it's not the Federal Government's responsibility to address that. You need to work within your own system back home to address that issue.''

That's one of the hardest things Members of Congress do. We hate to tell constituents, ''No, that's really not something that the Federal Government should be dealing with,'' and yet that really should be the answer to many of the requests that we get from back home, is that these aren't federal issues. Quoting Madison again, ''Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, such as war, peace, negotiation and foreign commerce. The powers reserved to the several States will extend to all the objects which again in the ordinary course of affairs concern the lives, liberties and properties of the people.''

Mr. Speaker, I would argue that all of us would learn a much better appreciation of how limited this Federal Government really should be if we were to go back and take a look at our Founding Fathers' comments and just periodically read the Constitution. It is a requirement on my staff, and I've introduced legislation that would encourage Members of Congress and their staffs to read the Constitution once a year. We all have the little pocket versions that we write in the front cover. When's the last time that we read the Constitution? It's not a long tome. It's 2,500 words or so. It's not like trying to wade through War and Peace. You can sit down and read it and understand exactly what your Federal Government should be doing, and then everything else is left to the States.

With that, I appreciate the time from my colleague from Utah.

Mr. BISHOP of Utah. I appreciate Mr. CONAWAY from Texas for once again putting it in perspective and giving us some specific examples. One more time: If you're dealing with the difference of whether Washington comes up with a program or dealing with whether a State has the ability of coming up with a program, it's one more time where if the State does it, the efficiency of that program is far superior.

Let me give you a couple of examples of what we have done this year in this Congress. We passed a bill in the House, I don't think it's gone through the Senate yet, dealing with school construction, allowing the Federal Government to assist States with school construction. Now on the surface that sounds like a nice idea. The State of Utah, though, happens to be one of the States that has an equalization program which means already, districts that don't have a need and have extra money for construction will have some of that money taken away and given to districts where there is a greater need.

As I asked the sponsor of that bill, how will this Federal aid affect equalization, the answer was simply they didn't know; no one had ever thought about that kind of a concept. And indeed as the bill was developed to try and make sure that the aid went out to what we thought as Congress would be equitable, aid went out to Title I schools only, under the assumption that if you were a Title I school, you had poorer kids. Therefore, as a poorer district, you would need more assistance. Well, the bottom line is any aid money that would flow under our Federal program to the State of Utah would go to districts that didn't need the aid in construction. The districts that did need the aid in construction or that help and benefit didn't get anything.

And that system unfortunately was replicated in other States, where districts that did not need extra Federal help in school construction would indeed have gotten extra Federal help. It simply means that we don't necessarily know all of the variances that a State and local government does and therefore we make different decisions.

When I was Speaker of the House in Utah, I was obviously always upset with the Federal Government for putting more restrictions on me as a State legislator. There was one year in which the Federal Government in all their wisdom insisted that we buy a new computer system. That was back in the era when computers were big and bulky and they took up most of a room. We didn't want it but we did not have any option. If we wanted to have Carl Perkins funds, which go to technical education, we had to buy a new system, a new computer system, out of State funds. We couldn't transfer money. It had to come out of State funds. The bottom line is we did not spend as much on kids for technical education that year because instead we had to take our funds and spend it on a computer system that we didn't want, that we didn't need, and we also never used; simply because it was a Federal mandate. That's what you lose in this process.

Utah had some great registration rolls, until the Federal Government insisted that motor voter had to be a mandate that every State did. So instead of being able to go through our election rolls, our voter rolls, every 4 years as we were doing to make sure they were current, we now could not do it until 10 years had passed. Consequently, if you look at the number of people who are now registered in the State of Utah and the number of kids we have, the numbers quite frankly don't add up. Our voter rolls are in worse shape because the Federal Government insisted the State had to do it a particular way in every State, whether it made sense or not, and the State had to actually pay for that opportunity at the same time.

We had a bill before us a few weeks ago in which we tried to mandate physical education. There is nothing wrong with physical education in our public schools. There is nothing wrong with emphasizing it. There is nothing wrong with kids needing it. What is wrong is that Congress is not a school board. And school boards should be making those kinds of decisions.

One of the things that we have to realize is that words in the course of history change their meaning. If you went back to the time of the Constitution and you used the word ''awful,'' awful back then did not mean something that was bad; awful meant something that was good and inspired awe. If you talked about a natural man, a natural man was somebody back then who was a reasonable individual. If you also talked about the verb to discover, discover back then did not mean to find something you don't know about; it meant to reveal something about which you do know to someone else. Words have different meanings.

One of the phrases that's in the Constitution, both in the first article as well as in the preamble, is the phrase ''general welfare.'' That's one of the phrases that means different things. Today we have the tendency of reading that word and emphasizing the last word of ''welfare.'' The Founding Fathers when they wrote that phrase emphasized the first word of ''general,'' which simply meant that the Federal Government was only supposed to do things that impacted the general welfare, with emphasis on the word ''general.'' It meant only doing those things that impacted everybody in this country, not a particular person. That's

why Presidents Madison and Monroe vetoed road projects. Jackson vetoed a road project because the road project only helped and benefited people in the area of that road and therefore was not general welfare. Well, we have changed that concept as time simply has gone on, not necessarily for the better.

I was giving a speech once on this very floor in which I talked about how they meant general welfare to be and how it was a restricting concept, not an expansive concept, and I got a call from one of the C–SPAN viewers the next day saying I appreciated the speech, it was very nice; however, she took umbrage at what I said because she said there were certain programs the government did that she liked. I said, ''Ma'am, you have missed the very point I and the Founding Fathers were taking.'' The Founding Fathers said you don't have to have all these programs. What they said is not every program has to be designed and administered and funded through Washington; that those programs are opportunities and can be done equally as well being done by a State and local government as they are here.

Through all my life, my party has talked about trying to reduce the size and scope of government. I think as the gentleman from Texas (Mr. NEUGEBAUER) pointed out, that the deficit we had in 1962 was $100 million dollars, our deficit today should be somewhere around $3.5 trillion. Obviously we have failed somewhere. In the history of this country over the last half century, both Republicans and Democrats, the growth of government in Washington has continued. The best thing I can say is one party has had a slower growth pattern than the other party, but that's about the best you can say, because growth has happened. It is almost as if leaders in Washington, regardless of party, are unable to stop the size and the expansion and the growth of the Federal Government.

The reality is that our current system is basically rigged in favorite of government growth. The incentives, the bureaucracy, power structure, institutions of Washington, have all evolved to help the Federal Government to acquire more power and influence, not less. What we need to do is look at the change in approach, and that's what the Founding Fathers were talking about. Not our goal but our approach. What the Founding Fathers were talking about is not simply cutting government, it was dispersing government, so different levels of government could do different kinds of programs and not everything has to come through Washington.

□ 1930

That's one of the things we're talking about with the 10th Amendment Caucus is how can we find ways to disperse government programs back to local governments where they can be done more creatively, more efficiently, and understanding local circumstances, whether it be P.E. programs or school constructions or technical education or voter registration rolls or roads or anything else.

Now, that's what the Founding Fathers intended, that the programs be implemented at State level and the tax money for those programs remain at those State and local levels, which is why, as Mr. CONAWAY said, this is not a program about liberals and conservatives. If a liberal wants to expand government, fine. It can be done under federalism. But what you do is make sure that the government that is closest to the people runs it so it is a much more effective and efficient government program. And if you are a conservative who wants limited government in some way, then fine, you can do that as well. You both get what you want if federalism and the 10th Amendment are respected here in Washington as true principles as the way we govern ourselves and how we conduct ourselves in the future.

That is, indeed, the goal of what should be here: the goal of the importance. That's the importance of the 10th Amendment. It should allow people to get what they want, which is better government, more efficient government, better and more efficient programs.

I recognize that we have a couple of others who have joined us here.

I am appreciative that the gentlelady from North Carolina, Representative FOXX, is here. I'd like to yield her as much time as she may wish to consume on this topic as well.

Ms. FOXX. Well, I thank Mr. BISHOP, the gentleman from Utah, for being in charge of this Special Order tonight and bringing to the American people what I think is one of the most critical issues facing us in this country, and that is the issue of federalism and the need for us to adhere to the 10th Amendment of the Constitution of the United States.

Too few people really understand the role of the Federal Government in our country. We've gotten away from the teaching of the Constitution. We've gotten away from the teaching of the role of government in our country. People have this notion that they have this right and that right, and if you press them to tell you whether they've read the Constitution or not, most of them will tell you they have not. And they really do not understand, again, what the roles of our respective governments are.

In the last week, while we had a little bit of time away from Washington and I managed to squeeze out some quiet time, I had the chance to read a Joseph Ellis book called ''American Creation,'' which talks about the triumphs and the tragedies of the beginning of our country. And it's really important that we understand that there were a lot of conflicts that came about in the founding of the United States. It wasn't as smooth a thing as many of us think that it was. But one thing that was very clear to all of the Founders was the issue of federalism.

The idea of the United States of America was a radical idea to begin with. Never before had people believed that they had freedoms and that they had inalienable rights given to them by God. So it was a totally radical idea. But add to that the idea that you shouldn't have a Federal Government that would control everything from Washington, and it was absolutely radical. And we owe a great deal to George Washington, our first President, for not trying to be king and understanding that we needed to send power, delegate power, let power be held at the State and local levels.

We can see the unhealthiness of the growing role of the Federal Government fairly easy in numbers, and I'm going to quote a couple of numbers for you.

Since 1995 alone, the Federal Government has issued nearly 60,000 new rules governing everything from the size of the holes in Swiss cheese to what colors are allowed for surgical stitches. Federal spending surpassed a hundred billion dollars only in 1962 for the first time. That was a huge amount of money in 1962. And back then, people were saying a million here, a million there, and pretty soon you're talking about real money. In 2010, the Federal spending will surpass $3.5 trillion.

I think there are very few people in the country who really believe that the best way to do things is to have them done by the Federal Government. I'm a very, very strong 10th Amendment person, as are my colleagues here, and I'm really pleased to be a part of the 10th Amendment Task Force. And perhaps my colleagues went over these earlier, but I'm going to mention them very quickly, what our mission is and what our goals are.

Our mission is to disperse power from Washington and restore the constitutional balance of power through liberty-enhancing federalism. And we have five goals:

Educate Congress and the public about federalism. You might wonder why Congress needs to be educated, but many Members of Congress really don't understand the concept of federalism;

Number two, develop proposals to disperse power to regional entities, States, local governments, private institutions, community groups, families, and individuals;

Three, elevate federalism as a core Republican focus;

Four, monitor threats to the 10th Amendment principles; and

Five, help build and foster a federalist constituency.

So we know what it is we need to be doing. We have worked as a Constitutional Caucus in the past to do our best to educate people, but focusing, I think, on the 10th Amendment is very, very important. And again, I'm very pleased to be a part of this.

Let me say some more about federalism.

The term is foreign to many people, but most Americans care about the things that federalism brings without even knowing it. Federalism brings choice, options, flexibility, and freedom. Federalism is not a concept of either the right or the left. It is neither a Republican nor a Democrat idea. Decentralization and community empowerment can be a worthy goal of both the left and the right. Both sides have something to gain under a federalist revival.

And this is not yesterday's States rights arguments. It's much bigger than that. This is about better governance. This is about adjusting modern politics to modern life. This is about breaking up big, inefficient, unresponsive government and returning power to the people.

As my colleague was using some illustrations a little bit ago about education, as one who was involved with education a great deal before coming to Congress, I wholly subscribe to the concepts which he presented.

Let me give a couple of other things about federalism, and then I'm going to turn it back to my colleague from Utah or to my colleague from Texas, both of whom who are extremely eloquent on this issue.

In a nutshell, federalism is the best system, because it brings government closer to the people. It nurtures civic virtue. It protects liberty. It takes advantage of local information. It stimulates policy innovation, and it alleviates political tensions.

In other words, federalism was the Founders' original formula for freedom and good government. It's time to reinvigorate this freedom-enhancing principle of government.

Again, I know very few people who believe that we should go to the Federal Government to solve all of our problems. We should first solve the problems that government needs to solve at the local level, then at the State level, and as a last resort, go to the Federal Government. Unfortunately, too many people think of the Federal Government first, and that complicates our lives.

We have a huge deficit and a huge debt right now because too many people have looked to the Federal Government to solve problems that could have been solved at the local and State levels for much less money and in a much more efficient way. I'll just give one example.

The problem that we're having in the gulf right now, that is a problem that does need to be solved by the Federal Government. But is the Federal Government prepared to do that? No. Why? Because the Federal Government's involved with way too many other things. The Federal Government should be looking after national security, I think national parks, our interstate highways, maybe the Federal Aviation Administration. But we're doing too much or attempting to do too much at the Federal level and not doing those things that we should be doing as well as we should be doing.

So, again, I want to thank my colleague from Utah for being in charge of this Special Order tonight and giving us a chance to do all that we can to educate others.

I'm VIRGINIA FOXX from the Fifth District of North Carolina, and if you'd like more information about this issue, please go to my Web site or contact me and I'll be more than happy to share information about this, because, as Jefferson said, the price of freedom is eternal vigilance, and we must help educate our fellow Americans on this issue if we want to maintain the wonderful country that we have.

And with that, I'll yield to the gentleman from Utah, Mr. BISHOP.

Mr. BISHOP of Utah. I thank the gentlelady from North Carolina for coming down here and helping assist with this. She did a wonderful job in trying to put everything in some kind of perspective.

I think what we've talked about tonight is an effort to try and ensure that what the Founding Fathers did when they wrote the 10th Amendment in the First Congress, when that was part of the Bill of Rights, and indeed what they did in Philadelphia is they structured government the way it was. It had a purpose—separating power horizontally between the branches of government and, equally important, separating vertically between the national and States—had a specific purpose, and it was to ensure that there would always be a balance so that not one entity had too much power to use that to abuse people.

Making sure there is a balance is the key element to protecting individual rights and individual liberty. By allowing States to have a primary function, we become more creative. We have differing ideas, which means if people really want choices and options and a way of making sure that government is efficient and government is what they want in their particular area, you must empower State and local government to do that; which means you have to take away the power and the authority of the programs from Washington—which, by its very nature, can only come up with a one-size-fits-all system—and disperse that power, authority, and programs back down to State and local governments where people, once again, can have greater impact, greater input, and those programs can be done to meet the needs of our particular area.

This is a great country because of our size and diversity. But it also means if you want to have a government program that helps people and is not simply to blindly put a standard, as Nelson Rockefeller said, by the deafening hands of bureaucrats, then you need to make sure that we empower State and local governments so they do those programs. General welfare means that State and local governments get a greater role in how government programs are run because they can do it much more effectively and much more efficiently.

I have a few minutes remaining, Mr. Speaker, and I would like to yield those few minutes to another great legislator from the State of Texas, which is blessed by a lot of good legislators we have here in Congress, and Mr. GOHMERT would like to talk for a few minutes about Article V of the Constitution. I would like to yield time to him to accomplish that.

Mr. GOHMERT. As kind of a supplemental discussion from my friend from Utah—and I would love to have had one of the gentleman's classes in Utah. We would love to have had you teach in Texas. You are such a good teacher.

Supplementing the teaching that you've already provided, I'd just like to take people, Mr. Speaker, to Article V of the Constitution. It's a great document. I want to encourage people to read that, as my friends have already mentioned.

Some have said you would never want to have an amendment convention because it might be full of people who would come up with crazy amendments that would destroy the country, and so you would never want to do that. Some have said these guys that wrote the Constitution did such a perfect job, we should never allow an Amendment Constitution provided under Article V because that might mess it up.

□ 1945

But then on the other hand, if these guys did such a perfect job on the Constitution, then they must have put Article V in here for a reason.

Article V simply says, ''The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.''

Now, some have said, well, if you allowed the second part, the part that has never been utilized in the whole history of the United States, it would be destructive to the country. My point is, if we don't do something radical—and I'm not talking violence, that's completely unnecessary—but something radical from a congressional standpoint, from a national standpoint, we see where this is all going.

Just as my friends have been talking about, the excesses and the abuses are bringing this country to an incredible cliff. You know, we just read that China has now bought enough that it is approaching $1 trillion that it owns of the United States' debt. Well, that

makes it a little tougher, doesn't it, to use leverage against China when we owe them that much money. Growing up, I had Sunday school lessons about the Bible teaching whoever you borrow money from becomes your master, and we've done that because we can't control the spending.

So we need something that is a little out of the ordinary to bring this thing in, and what better method than the one that the constitutional founders, the drafters, put in there, approved, and the States ratified, and that is to say, you know what, it's time for an amendment convention.

We have usurped so much power from the States—and this latest health care debacle, the health care deform bill that was passed and signed into law now, has the potential to bankrupt States that were having a hard enough time as it is.

Well, those States have power under our Constitution, and as we know, up until the 17th amendment, when those in Washington—and this was apparently pushed by Woodrow Wilson. He liked the idea of the Federal Government running everything, and he would have been really proud of the health care bill because it was all about the GRE, the government running everything.

So this 17th amendment was an effective way of taking away any check or balances that the States were provided under the Constitution because, under the Constitution, the State legislatures selected the U.S. Senators. Most students were never taught that. But the founders felt like there had to be a way that the Federal Government could be prevented from just usurping all the power from the States and the people as the tenth amendment talks about, and this would be it, because you would never send a Senator up here from your State, if you're a State legislature, if he's going to add unfunded mandates to your responsibilities in the States and take away your power at the same time. There were Senators that were recalled.

So, from the day after the health care bill was passed here in the House, I've been talking about an Article V amendment convention that would allow the States to come together and propose amendments. Now, there's difference of opinion. I had a wonderful conversation with former Attorney General Ed Meese about this. He has some good ideas as well.

But we have got to do something. And I am not in favor of repealing the 17th amendment, have never been in favor of repealing the 17th amendment, but there are some wonderful ways of reining in the Federal Government, maybe giving the States the right to veto legislation. So, there are a number of things, and as we saw back when the States were gathering momentum to have an amendment convention, Congress got scared that that would really happen so they rushed in and voted to repeal prohibition, proposed that of course as a constitutional amendment and it passed.

So maybe the States need to start that gathering storm, and we could get Congress to do what it needs and, that is, give the States some power like they originally had.

I appreciate so much my friend from Utah yielding.

JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, interesting news came out Friday about jobs. There was a good Wall Street Journal article June 4. It talked about this wonderful news that we heard from Washington that last month the job total increased by 431,000. That is fantastic news, just wonderful. But there's a little problem in it. The U.S. Department of Labor released statistics saying, yes, there were 431,000 jobs created last month and that's fantastic and all, but unfortunately, 411,000 of them were temporary census worker jobs. Well, it's just hard to feel really good about the economy when out of 431,000 new jobs, according to the U.S. Department of Labor last month, 411,000 of them were government jobs. Not just government, temporary government jobs.

I've talked to some census workers. We had a job fair in my district in Marshall, Texas, at the East Texas Baptist University. They're very cooperative and helpful. We had one previously at Laterno University. Texas Workforce Commission does such a great job. We've partnered together with them and Laterno and Longview and many other partners to have a job fair previously. We've had one in Lufkin, partnered with Angelina College and the Texas Workforce Commission, and this one was in Marshall.

On one hand, anytime you throw a party and a lot of people show up, you're thrilled; this worked out great. But on a very human basis, you know that every one of the people that come seeking jobs have broken hearts. Most of them have families who need them to get jobs. So many of them, you know, long-time employees somewhere, and we have not done them any favors by the work that's been done here in Congress going back to failing to reform Fannie Mae and Freddie Mac which really put us to the brink of economic collapse. Complete failure to do that, to reform them.

Then in September, October of 2008, as a potential meltdown began, many people don't know but there were more homes sold in September of 2008 than in any month in the last 5 years before that. But of course, once the Secretary of Treasury went out and said unless Congress gives me $700 billion, there's going to be a total meltdown, but give me $700 billion in a slush fund and I'll pay off my buddies on Wall Street and I'll get everything going good, and you know, basically inferring that—and I think he legitimately believed, if all the people that he had worked with and knew so well on Wall Street maintained their wealth, continued to get rich or richer, didn't go bankrupt, then it surely would be good for the rest of America.

Little did he know that that was not the case. We bailed out folks, and you know, it's interesting. It also said something about the morality in America because there was a time in America if you got greedy, a little hasty, and drove your cart off in a ditch and your neighbors helped you get your cart out of that ditch, then you felt a little guilty. It was a moral thing. You had a conscience and you felt guilty because your neighbors helped you get your cart out of the ditch, and they did not contribute at all in you getting it there. It was your own negligence, your own greed.

And so nowadays we've gotten to the point where AIG, Goldman Sachs, Wall Street, some of them at least—they let Lehman Brothers go because they were a competitor of Goldman Sachs—but anyway, they got greedy, extremely greedy, careless, and ran their cart into a ditch, and there was no way they were going to get out. They should have been forced to go into bankruptcy and reorganize like every other entity but they didn't.

America, most of us didn't like the idea. We didn't support it. We were totally against it, but nonetheless we were forced to get Goldman Sachs' cart out of the ditch. And what has happened since? Well, they've gotten in their cart, motorized it, and run over the rest of us.

So that didn't work out so well, and in January of 2009, when we heard that Timothy Geithner was going to be appointed to be Secretary of the Treasury, well, what we heard from folks down the other end of the hall was, well, we need to confirm him as Treasury Secretary because he worked with Paulson on the plan. To my way of thinking, this meant this guy should not get near the Treasury Department, but that's not what happened.

So we've continued to have the Federal Government continue to take over more and more authority, usurp more of individuals' moneys, their credit, the potential capital out there to create private jobs, just sucked it up in Washington, and in the meantime, the Federal Reserve apparently is printing lots of money. And so we're just doing all kinds of good things, and it is continuing to drive us toward a cliff.

And for anybody to stand up and try to make it sound like great news, 431,000 new jobs last month, that's the most in a number of years, it's fantastic, it's great, and not realize or not be forthcoming enough to point out that nearly all those jobs, the vast majority of them, were temporary census jobs is just not right, and it's not doing right by America.

So in this article, The Wall Street Journal points out some of the problems. This says, because the temporary workforce is more productive, the bureau is closing some offices earlier than planned. So it goes on to talk about the Census Bureau. Really tragic. That's the best we've got. That's the best we can offer to America.

I yield to my friend from Utah.

Mr. BISHOP of Utah. I appreciate the gentleman from Texas broaching this particular issue. Some people have asked me what is the Federal Government going to do about jobs. It's very clear the Federal Government has two options. One is you can actually create Federal jobs and fund them and run them and hire people for them, and the second is the Federal Government can create an environment that encourages the private sector to create jobs.

Indeed, at the beginning of the Great Depression in the 1930s, one of the problems that the country had was there were a great many people that had money that did not invest that money. They sat on the money because they were watching what the government would do and had a great deal of anxiety as to what the government would do, would it attack business or would it build a climate that was favorable to business.

In some respects, I think we have that same situation today where there are people out there with money that could invest and expand the economy but, indeed, are waiting and watching to see what the policies of this country will be with some level of anxiety as to what that policy actually would be.

If I can try and put this on a very personal level, I'm doing a history of my family and my father. My father, who was older when I was born, went 2 years at the depths of the Depression without a permanent job.

□ 2000

I have sometimes wondered what it would be like to be in that situation. Indeed, in the depths of the Depression, he was finally bailed out by collecting a job that was actually a government job. He got one of the New Deal-era jobs.

As much as he was grateful for that, he always warned me to be wary of those types of jobs created by the government, for he told me that a government that could create the job to give to you is also a government that can create and defund the job and take it away. Indeed, that is exactly what happened to him a few years later. The government decided to change courses, and that job was no longer there.

I thought it was very wise of him to recognize that those distinct possibilities were there and the Federal Government has two things we can do: one is create jobs, which is temporary at best; or one is create climate and an atmosphere that expands the private sector. I think I would at least argue at this point that that would be the wisest approach for this government to take.

Mr. GOHMERT. I really appreciate that point. Of course, it's the problem we have right now. When the Federal Government is moving toward a 1.3 to $1.6 trillion deficit in 1 year, they are sucking the capital from every corner of the world, printing some, and there is not money for the private sector. We have had meetings with the Federal Reserve people, including Chairman Bernanke. We have had meetings with people in the OCC, Office of the Comptroller of the Currency, and from the FDIC.

In the last couple of years we have had a number of meetings, and what we hear from people who are trying to borrow money to stay in business, people that have had lines of credit at their local bank for 20 years are now being told we are not going to continue your line of credit. And when they asked, have I ever been late, have I missed a payment, what is the problem?

Well, our banking regulators have told us that they are going to, you know, be all over our bank and we can't handle the pressure if we keep loaning you money, extending your line of credit.

We broached that subject with Chairman Bernanke, that some of the regulators are requiring more capital and more money in reserve than is required under the law, and they are putting pressure on the bank not to make loans that they made for years, and it's loans that make banks most of their money. If you don't allow them to loan money, then they are not going to make money, and they are going to go under.

Then heaven help us, the FDIC insurance account will be hit more, and we will have to bail out more banks and what-not, all because we had some silly regulators who were concerned that a bank they were supervising might some day go under and it might look bad for their career advancement, and so they put too much heat on a local bank.

Now, there is greed, there is avarice that has gone on in some places; but most of that was in the investment banks, not in the local community banks, which were doing okay until ''Chicken Little'' Paulson started running around screaming the financial sky was falling. And the next month we went from selling more homes than any time in 5 years to selling no homes. We went from people buying cars to people not buying any cars, and it put us in a terrible funk.

It was all because this so-called financial genius that was chairman, and his protege is now running Treasury now, wasn't smart enough or educated enough in the ways of the world that when you go out and say we are going to have a depression, banks are going to fail one after another. When you create panic yourself, it is a self-fulfilling prophecy.

That's why, when they went out, and he talked, bless his heart, he talked President Bush into going out and joining ranks with him and getting on the chicken little brigade, that the financial sky was falling and scared America. When you go out and the President and Secretary of the Treasury are saying that if they don't pass this particular bill, whatever, it wouldn't matter—if they don't pass this bill on Monday in the House, then the market is going to crash a lot worse than 1929.

It's a self-fulfilling prophecy. It fell 777 points; people panicked. Many Republicans got talked into voting for the bill and joining most of the Democrats that voted for the TARP bailout bill. It should have been ended long ago; it was a big mistake.

But, boy, everybody needs to feel good, though. Goldman Sachs had their biggest profit year in their history last year. So their jobs are secure; they are doing good.

But for the rest of America, there is a problem with capital; there is a problem with too little regulation over the investment banks, no reform over Fannie Mae and Freddie Mac, none. It is not even in this so-called financial reform that's really a financial deform bill, because it has a systemic risk council that allowed the Federal Government, in complete abrogation of what my friends were talking about in the prior hour about the 10th Amendment, and the power reserved of the States and people, just a complete ignoring of all of that. They are going to pick and choose winners and losers.

Your company is too big too fail; we will never let it fail. So that means they can run in the red; they can run their competition out of business. They will be the last business standing in that particular area because our systemic risk council from Washington, their lofty Mount Zion realm, said we picked this one to be the systemic risk.

The government was never supposed to have that kind of power. This country never got to be the greatest country in the history of the world by having Washington pick and choose winners and losers, and that's what that financial deform bill does, and I hope that it doesn't come with many of the provisions that are in there now, but it looks like that's what is going to happen.

But, anyway, we're sucking the capital out, we are preventing the private sector from creating the jobs. And then they saw this health care bill, they saw it passed.

As our Speaker pointed out, we had to pass the bill so we could find out what's in it. Some of us actually read most of it, so we had a good idea what was coming and that's why we fought so hard against it.

There are going to be more jobs lost. There have already been jobs lost because of that bill. There's going to be more jobs lost.

When I hear people who didn't read the bill and didn't know what all it did, but they just took the word of people pushing it, they really believed when they said here on the floor, it's going to help the working poor. It's going to

help those hardworking folks that don't have enough money. If you read the bill, you find out that actually if you don't make enough money to buy as good a policy as the government is mandating, we know you are working poor, we know you are struggling.

If you had the money, you would buy better health insurance. But since you don't, we are going to pop you with another additional income tax. We are going to add a couple of percent to your income tax. Merry Christmas. You don't have enough money to buy the insurance, we tell you, bless your heart, you are working poor, you are going to be poorer because of this health care bill.

During the job fair last week, I was talking to an employer who was saying, you know, we have got a number of jobs that are entry level so they are making minimum wage, but it's a good entry-level place and we provide some good health insurance. So it's minimum wage, but we provide them health insurance. It's a great place for somebody young just starting out, get their foot in the door, get experience and be able to advance up from there.

Well, guess what, under the health care bill that was passed and signed into law this spring, he can't do that for people that make 133 percent or less of the poverty level. So those people who would go take that job because even though it's minimum wage, provides health insurance, bad news. Under the bill, they are going to have to go on to Medicaid, not Medicare, but Medicaid.

Now, some States have increased some of the reimbursement rates under Medicaid. Well, that's coming to an end real quick because of all the additional unfunded mandates on the States that's going to add billions to what they have to come up with. They are not going to be able to do that.

We already saw there was polling, New England Journal of Medicine and others, doctor polling that indicates 35 percent, some as much as 55 percent of the current physicians, when this kicks into law, will retire and quit practicing medicine. Oh, well, that's great, that's really going to be good for the working poor and how about the President's own words when he said on the day before the bill passed here, his own words: where as in the past you went to the doctor and you got five tests, now you will go to the doctor and you will get one test. Well, wasn't that good news?

Some of us know that's not a good idea. In some cases, there are tests that are given, purely from doctors practicing defensive medicine because of lawsuits that are threatened and that they worry about. But on the other hand, there are doctors who conduct tests because they know there is something there. They know there is something there. And one test doesn't show up, well, let's try this, because I know there's something there.

That's what was the case with my mother in 1976. It took them 6 days to find her brain tumor. Our local doctor, one of the local doctors where I grew up, had told my dad that if she gets much worse you may just end up needing to commit her. Well, it was very tough for a woman as brilliant as my late mother to think that she was going crazy. But that's what the local doctor thought because he was a general practitioner; he didn't have the expertise of terrific experts.

But after 5 or 6 days of testing, they found she had a little brain tumor. She wasn't going crazy; she had a little brain tumor that was causing her problems. Because they found it when they did, we got to keep my mother for 15 more years.

So I would kind of have hated for my mother to have had one test, like that's some kind of good news. That means she may well have been committed to an insane asylum on the recommendation of a general practitioner.

But if you look at what the health care bill does, it pushes people more and more to general practitioners and thank God for them. Some of my closest friends are general practitioners. They do an incredible job. They have to know so much about so many different areas of medicine. Then they are able to figure out, ah, you have got that problem, let's get you over to the specialist. Then the specialist can home in for their whole career on a specific problem. Under this health care bill, that's not going to be the case.

But I got off on this from the job situation. Well, you don't have to worry about your health care; we are going to fix it to where we cut $500 billion out of Medicare. You don't think that's going to help pay or that's going to be funded partially by what the President promised? In the past, you go to the doctor and get five tests and now you go and get one test. Okay.

Then how about the $500 billion in new taxes? Well, I have talked to employers. Last week, we were not in session. I talked to employers that say, there is so much being stacked on top of my head, and I can't get my line of credit extended. You know, there is no sense in me continuing this. This is nuts. I am not hiring.

Then because of the provision in the bill, in the health care bill, which starts popping a tax above a certain level of employees, lots of employers that I have talked to are going to start making sure they don't go over that. They could use more people, but they are not going to go over the limit because they don't want to start paying that $2,000 per employee tax that you get popped with once you have too many employees.

You know, and it—I just wonder, do we not notice what kinds of incentives we are putting in place? We are putting incentives in place to hire fewer people. We are eliminating capital, making it, that would have made it easier for the private sector to hire people than for Congress and for the Federal Government.

But these Census jobs, as this headline in The Wall Street Journal says, Census jobs end all too soon, and they will, and it's going to be tough when they do, 411,000 temporary workers hired last month by the Census. We are going in the wrong direction.

□ 2015

This is not a good thing. We are doing more damage. And even before Republicans lost the majority in 2006, there were so many of us that were pleading, Look, we're in a hole. It's time to stop digging. And in November of 2006, because Republicans had the audacity to run up a $100 billion, $200 billion deficit in 1 year, it was outrageous, and Democrats rightfully won the majority because Republicans had not been as conscientious about making sure we didn't run this government into a ditch ourselves. And with the promise that their majority would see there were no more deficits, we would get this country on track, we would stop the craziness that the Republicans had in this deficit spending, we now find this year a projection of a $1.3 to $1.6 trillion deficit in 1 year. It's just hard to get my mind around—not that I have much of a mind to get around anything, but that is such an extraordinary amount of money to be in the hole in 1 year.

I read an article somewhere where around the world people are starting to say, Well, one thing we know for sure, since the United States is willing to run up over a $1 trillion deficit in 1 year, then clearly they're not serious about paying their debts. Well, some people can't remember what happens when a government spends so much money that it doesn't have that no one will loan them money again. And we've also forgotten a lesson from history of what happens if you try to print your way out of debt by printing money. Germany tried that, and it just created such runaway inflation—remember the cartoons, the wheelbarrow full of money to go buy a loaf of bread? Well, we're printing money at record rates. We are running a deficit at never even comprehended rates.

For those who can remember, basically, the Soviet leader had to stand up and say—this was basically the essence—We can't borrow enough money anymore to stay in business. We can't print enough money to stay in business. We're out of business. States are each on their own now.

Well, there are some in this country that think that might be a good idea. But this Nation got to be the greatest in history because we were together as a Nation, all 50 States, fussing and disagreeing among ourselves as family, but never before in history have we come so close to voluntarily going over a cliff. I mean, World War II, record amounts of money were being spent. We were fighting for our very lives, for liberty and for freedom.

Some don't remember. There were Germans that came ashore. One American citizen was with them, and of

course they were captured. They were going to commit war crimes here in the United States. They were captured, tried—by military commission, by the way—but under the rules of law, you can hang on to them as long as there's a war going on. That's a whole other issue, but it's a way in which we're not learning from history. We're thinking that when people are at war with you, you can treat them better than our own soldiers are being treated in courts martial, give them more rights than our own soldiers have.

It's because people don't understand the Constitution. They don't understand the Constitution embraces the congressionally passed Uniform Code of Military Justice that embraces, as the Supreme Court pronounced, the Military Commission Act of 2006, as amended last year. Of course, the amendment mainly required us to quit calling them ''enemy combatants'' and now, under the new law last year, we call them ''unprivileged alien enemy belligerents,'' not ''combatants.''

We're not learning the lessons of history. And when nations fail to do that, it becomes clear, eventually, that they are well on their way to the dustbin of history. We don't have to do that. This country could last 200 more years, 400 more years, but we have to learn the lessons and the mistakes of the past and grow and learn from them. We haven't done that.

We are not going to see private sector jobs created as long as the Federal Government is sucking up all the money, sucking up all the capital. There's not much left to loan. And the private sector can do so much more creating jobs than the Federal Government does because obviously—you know, the Federal Government itself is a giant Ponzi scheme. You know, adding 411,000 workers in 1 month, you can't keep doing that and still pay for it. The Ponzi scheme known as the Soviet Union went out of business. That's what will happen to us as well.

So, anyway, one of the things that we have failed to learn from history—I wanted to talk about jobs a little bit and then spend the remaining time talking about another area in which people just don't seem to be learning here in Washington from history. It's not hard to find. It's more accessible than it has ever been in the history of mankind. We've got the Internet. You can find all kinds of credible information. You want to go back and read John Quincy Adams' incredible closing arguments that went on for over 2 days in the Amistad case? You can get it. You want to read Ben Franklin's entire speech before the Constitutional Convention, 1787, where he said, If a sparrow cannot fall to the ground without His notice, is it possible an empire can rise without His—the Lord's—aid? He said, We are told in the sacred writing that unless the Lord build the house, they labor in vain that build it. And he said, I also firmly believe that without His—God's—concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages. He went on. But you can find that whole speech, you can find all that material. You can find the lessons that have been learned through history.

If you don't have a Bible and you wonder what was the most quoted book here in the House of Representatives for the first 100-plus years of our history, it may have been 150 years, the most quoted book here on the House floor was the Bible. I have one right here, the most quoted book in the House of Representatives for most of its history. If you wanted a bill to be passed, then you better find some wisdom in Scripture and share it with people so they understand.

Well, we had something last week. It was called by some a ''peace flotilla,'' but it was quite clear that there was a lot more to it than that, that this was a contrived plan. This was an effort to embarrass Israel, because the proponents knew that Israel would have to defend itself, there was no question about that. They have been hit with so many thousands of rockets from the Gaza Strip, they had to eventually defend themselves. And lest we forget, the Gaza Strip was controlled as part of Israel until Israel's leaders thought, You know what? It's not part of any treaty. It's not part of any demand, but what if we gave the Gaza Strip to the Palestinians? What if we just gave that unilaterally, not asking anything in return? I mean, what an incredible show of good faith that would be. That would surely provoke our adversaries into realizing we do want peace, so let's give away the Gaza Strip.

Now, they hadn't learned a whole lot from the fact that you could give away a part of what was part of Israel at the time, controlled by Israel, give that to southern Lebanon and they will know that we are really interested in peace and things should really go well, continuing not to get the message that every time it seems that Israel gives away land, even going back to its early inception centuries and centuries and centuries before there was Muhammad, there was Islam, Israel, if they gave away land, it was normally used as a staging area later to attack them because they had given away something that was under their control.

And I wondered about the mentality—do you guys not get it? You give away land. You get attacked from it every time you seem to give it away—until I made a couple of trips over and you begin to realize the mentality: after years and years of suicide bombs, family members just having coffee at this restaurant, alive one minute, laughing with kids, with their children, dead the next minute; a suicide bomber walking down into an area of school children so he can blow himself up and kill children; when you see and you understand there have been so many rockets flying into Israel and you find out the mentality apparently for so many Israelis has been, Look, we just want to be left alone. We just want to be left alone. We will give you land, unilaterally give it away, not demand, just please leave us alone.

I was reminded of the routine Bill Cosby talked about where—and I think out of the first six albums I ever had, three of them were Bill Cosby. He had a way of taking life and helping you to look at yourself and laugh. But he talked about as a parent, the youngest one screaming and hollering, and he said, Hey, stop. And the little girl screams, Well, I want this. And the other kids saying, It's ours. It's ours. And he says, I don't care. Let her have it. You've got to stop the screaming. She's got a lot of my stuff, too. Just let her have it so she will quit screaming.

And I thought about Bill Cosby's comment because I get that impression, you know, the Israelis were so tired of the death and the suicide bombs and rockets and grenades, they said, Look, we'll just give you land if you will leave us alone. Let us live in peace.

So I understand better the mentality that says, Here, we will unilaterally give away land that actually makes it harder for us to protect ourselves, because they're thinking that that will bring about acts of kindness on the other side, not realizing when you're dealing with people who, because of religious zealotry, have made clear that they want to see your nation wiped completely off the map, they're not really going to get all touchy-feely over some gift that you make. That's what has happened with Gaza. They acted out of such wonderful intentions, Let's give this land to the Palestinians.

And after you've seen what was there—there were greenhouses. There were ways that people could make a living there, and there were ways that people could produce their own food there. Instead, once they gave the land away, the greenhouses were destroyed. So many were plundered, just acts of violence. Well, it was the Israelis, so destroy it. These were ways they could have lived and eaten and made a good living, and they destroyed it.

□ 2030

So, hopefully, people in Israel are beginning to understand you've got to defend yourself and that acts of peacefulness are not going to be met with acts of peace in response. They are going to be met with flotillas, with Kazan rockets, and with death in your own country.

Because the idea is not to get a strip of land here at Gaza; it is not to get a strip of land here in the northern part of Israel; it is not to get the Golan Heights. You know, it is not to get the West Bank and to enlarge that. No, not at all. It is to wipe Israel off the map.

It's interesting how and it grieves me much, actually, to know that there are well-educated people who have gone

through life thinking that the Israelis, the Jewish people, had no history prior to the Palestinians in that area, that their history was more in Germany and in Poland and in America. America didn't even have any idea that Israel existed, other than the Native Americans.

A tragic thing happened here just recently. For the first time in United States history, the United States decided to ignore thousands of years of lessons and to demand, with Israel's enemies, that they let the world know exactly what weaponry they have, what nuclear weaponry they have. Let everybody know exactly what you've got. It was well-intentioned, I'm sure, on the part of this administration, but what a disastrous mistake.

I thought about Hezekiah, King of Israel, long before the days of Mohammad, when Israel was a nation in the land where they now are. King Hezekiah was the son of Ahaz.

For a little history, Ahaz, as King of Israel, had seen the northern kingdom make an alliance with Assyria, and it made a very powerful alliance in military. They were marching toward Jerusalem, and it appeared there was no way they could be stopped. And that's when, according to scripture, God told Isaiah to go find Ahaz at the cistern and tell him, I'm not going to let that alliance take Jerusalem. Isaiah did that, and they did not take Jerusalem. Ahaz changed his ways, and Israel was blessed centuries before there was Mohammad. They were greatly blessed.

Then his son Hezekiah came along, and things went well for much of his reign. You know, there were ups and down, as any nation has. There were ups and downs in Hezekiah's private life.

Following the tradition that for most of this nation's history was a reading and quoting from the Bible as the most quoted book here on the House floor, 2 Kings 20:14—and I'm skipping a lot:

Then Isaiah, the prophet, came to King Hezekiah and said to him, What did these men say, and from where have they come to you? Hezekiah, who was king, said, They have come from a far country, from Babylon.

Isaiah said, What have they seen in your house?

Hezekiah answered, They have seen all that is in my house. There is nothing among my treasuries that I have not shown them.

You know, Isaiah knew that was absolutely stupid to bring in people who would like to see his country destroyed and gone, who would like to have his treasure that he had built and created and to show them everything he had.

I mean, it's like saying for people who play poker, ''I am such a benevolent poker player. Let me show you my cards. I'll take two cards, and I'll show you what they are, and now here is my five. Okay. Who wants to bet?'' You don't do that.

It would be like playing chess and saying, ''Now, I want to be benevolent, and so I'm going to tell you you're tempted to move here. If do you that, I'm going to move here, here, and here, and it will be checkmate.'' You can't do that. That lesson should have been learned repeatedly, and it was not.

Isaiah foretold to Hezekiah, continuing on in verse 16:

Hear the word of the Lord: Behold, the days are coming when all that is in your house and that all that your fathers have laid up in store to this day shall be carried to Babylon. Nothing shall be left, says the Lord.

I don't care whose history it is. If you fail to learn from history, you're asking for disaster. To borrow a line from Proverbs, which was later the title of a movie: You're going to inherit the wind.

You can't do that. This great country of ours can't now turn on Israel and demand of Israel to make the disastrous, disastrous mistake that Hezekiah did. Sure, we'll bring you in. We'll show you everything we've got. We're demanding that now, with Israel's enemies, that they've got to show everything they've got to those who want to see them gone. And to people like Ahmadinejad who has pledged that Israel will be wiped off the map? You're going to let them know every defense—everything that Israel has?

What kind of naivete is running the place? I know it's well-intentioned. Just like the health care bill, it's well-intentioned; but as a result, people are going to be put on lists like they have been in England, like they have been in Canada, and they're going to die, waiting for their treatments, for their tests. Here we are, well-intentioned, refusing to learn the clear lessons of history.

So what did we see last week? Well, actually, we can go back to May 25, 2010. Israel became aware that there was a Free Gaza flotilla, so they advised Turkey and other governments, whose nationals Israel knew were going to participate, that Israel could not allow the self-styled humanitarian mission to breach its defensive and able blockade of Gaza.

Now, it would be like, after 9/11, people who would like to see this country wiped off the map, the United States. Ahmadinejad has made that clear, that Israel is the little Satan and that the U.S. is the big Satan. He wants to see us gone. It would be like a group of peace-loving people saying, ''We're coming onto an airplane, and we're not going to let you check us. We're not going to go through your metal detectors. We're coming, and there are lots of us. By the way, we also have metal poles and knives, and we will shoot you, too, when you try to stop us. We're going to get on those planes, whether you want it or not, because we're going to style ourselves the Free America flotilla—airtilla. We're going to be 'Airtilla the Hun.' We're going to bring people into the airports. We're going to overwhelm the security, and we're going to get on those airplanes without being checked.''

This is what is being done to Israel after thousands and thousands and thousands of rockets have been launched from the Gaza Strip into Israel, killing Israelis, maiming children. I mean, Israel couldn't let that go on.

So, sure, we'll let the humanitarian aid through. They made that clear. But they made clear back as early as May 25 that they were not going to allow anybody to breach the naval blockade.

So, apparently, the nations that Israel warned did not take it to heart. In fact, one flotilla participant said on May 28 that this mission is not about delivering humanitarian supplies; it's about breaking Israel's siege on 1.5 million Palestinians, and that's the truth.

By the way, en route, the Arab news channel Al Jazeera exalted jihadist martyrdom and sang Palestinian intifada songs. On May 29, Hamas consents to broadcast on its state-controlled television in Gaza an interview with a leading Gaza professor, calling on flotilla passengers to engage in martyrdom with the people of Gaza.

On May 30, despite repeated warnings from Israel defense forces, the six vessels continued their voyage toward the security zone. Aboard one of the ships, one person told Turkish television, ''We will definitely resist, and we will not allow the Israelis to enter here.'' Another said, ''If Israel wants to board this ship, it will meet strong resistance.'' Israel's mistake was not taking those quotes to heart, not taking them literally.

On May 31, 2010, Israeli Navy personnel warned all six flotilla ships that they are about to enter restricted waters. Again, Israel offers to collect humanitarian aid and have it delivered to the Gaza Strip by the United Nations, but the ships again refuse to comply. Aboard one of the ships, it is announced, ''We are going to resist, and resistance will win.'' Militants on the ship begin yelling, ''Intifada, intifada.''

Well, we know what happened from there. Some don't. Some haven't watched. I mean, they've watched mainstream America and they haven't seen the Israelis being beaten with metal pipes, they haven't seen the Israelis being stabbed, they haven't seen Israeli soldiers shot and thrown overboard.

How would we react in America if people decided to peacefully overwhelm security at our airports, to get on airplanes for benevolent causes, who then stabbed or beat security agents at our airports? We wouldn't put up with that. Well, I don't know. Maybe this administration would; hard to say. But we know from history that's a big mistake.

What really breaks my heart is some of us have been seeing this stuff coming, and I wanted this to be a very bipartisan effort. So, for some months, I've been trying to get a pro-Israel group on board, I've been trying to get friends across the aisle on board with a resolution that would make very clear

that we support Israel's defending itself, whatever needs to be done, and if nothing else has worked, that the military means are supported by this Nation.

Instead, this administration has been snubbing Israel. He snubbed their Prime Minister previously when he came to Washington. He walked off. ''I'm going to go have dinner with my family. Why don't you just stay here in the White House for the night so you can come around and do what I've demanded, and you can let me know when you get ready to do what I've demanded.'' Prime Minister Netanyahu appropriately didn't stay. He went to the Embassy. He didn't need to be blackmailed into anything.

I realize, you know, we're all victims of the environment in which we grew up, and if you grew up in an environment, say, for example, Chicago, where you're used to snubbing folks—you do that in France, and it's no big deal. So it's understandable that would be brought to the White House.

□ 2045

But the trouble is, when you're the most powerful executive in the world, and you snub a friend, there are international implications. Things like that have been known to start wars and cost thousands and thousands of lives. Activity like that has consequences, and the world has been watching while we snubbed our ally, who has more of the same rights in their nation that we have in this one than any nation in the Middle East. And we're snubbing them? And we're trying to force them to do what they did in giving away land to southern Lebanon, giving away the Gaza Strip, not defending itself, now demanding that they show all of their weaponry? That has consequences. It can start wars.

And the reason that I've been working behind the scenes for so long trying to get people on both sides of the aisle, and I've got plenty of this side of the aisle support, and I have a few Jewish friends on the other side of the aisle that are supportive, but it wasn't enough. But now I agree with some other friends that said, you can't keep this private; you've got to put the pressure on publicly. And hopefully, Mr. Speaker, people would contact their Members of Congress and let them know that they need to get on board with the resolution that says Israel can defend itself.

Sanctions, what a lovely thing to talk about. And when you have years and years and years to work with, whether it's South Africa or somewhere, that's one thing. But when you've got centrifuges spinning, and the IAEA already tells us that Iran has probably enough enriched uranium for two nuclear weapons, and the centrifuges are still spinning, and we're still trying to talk to other nations in the world about getting on board with our sanctions, Israel is more at risk every day.

And not only have we not gotten other nations to get on board with sanctions; Russia has cut a deal. They're going to provide them their best anti-aircraft weaponry as 300 is coming to Iran. And the days are growing and building. And we're putting all the wrong pressure on our dear ally.

And some know in this body that I've been pushing, all three terms I've been here, what I title the U.N. Voting Accountability Act. One of these days I'm going to get it to the floor for a vote. I got it as an amendment. We had over 100 votes on it. That was back in 2005. I'm hoping to get it the floor as a bill at some point to bring about sanity to our foreign assistance policy.

But it basically says this: Hey, these nations around the world, you're sovereign nations. You can do whatever you want as long as it doesn't hurt us, because we'll protect ourselves. But any nation that votes against the United States position more than half the time in the U.N. won't get any financial assistance from us in the subsequent year. March 31 every year a report comes out about who voted which way on all the contested votes. You look at those, you see who voted against our position more than half the time and you just say, fine; that's your position. We are not going to keep paying people to hate us. We have found we can get people to hate us for free. And we don't have to get taxpayers to keep paying taxes to pay people to hate us when they'll do it for free.

We're paying Israel's enemies about as much as we're supporting Israel with. It's a big mistake.

One thought I had that would be a clear image to the world, and I appreciate the few friends across the aisle that have said they have supported the idea, and that is, we need an image, a visual image going to the rest of the world so they know, there may be a little bickering with our friend, our close ally Israel. But when people saw both sides of this aisle standing and applauding Prime Minister Netanyahu in a joint session, then they would get the picture; hey, we may fuss among ourselves, but we will defend them.

There are still some historians that believe that it was Secretary of State Acheson saying basically that Korea was beyond our sphere of influence, which led, and apparently Korea was already massing forces. But you can't help but wonder if once they heard that that's beyond our sphere of influence, we won't come to South Korea's aid, that's when the Korean War started. You start wars, oftentimes, when the strongest friend snubs their ally, then enemies of that ally think they can act against that ally without the strong supporter stepping forward.

And we need to let the world know that Israel is still our friend. They still vote with us more than way over 90 percent of the rest of the people in the U.N., and a friend like that is a friend we ought to support. And you won't get peace until you show you're willing to stand up against the bad guys. And then the bad guys understand that and you have peace for a while.

But, Mr. Speaker, I see my time has expired, so I appreciate your indulgence tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Ms. RICHARDSON (at the request of Mr. HOYER) for today on account of primary election in the district.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONNOLLY of Virginia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, June 9, 10, and 11.

Mr. POE of Texas, for 5 minutes, today, June 9, 10, 11, 14, and 15.

Mr. JONES, for 5 minutes, today, June 9, 10, 11, 14, and 15.

Mr. MORAN of Kansas, for 5 minutes, today, June 9, 10, 11, 14, and 15.

Mr. LATTA, for 5 minutes, June 9.

Ms. ROS-LEHTINEN, for 5 minutes, June 10.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5330. An act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 28, 2010 she presented to the President of the United States, for his approval, the following bill:

H.R. 5128. To designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

Lorraine C. Miller, Clerk of the House reports that on June 1, 2010 she

presented to the President of the United States, for his approval, the following bills.

H.R. 5530. To amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

H.R. 3250. To designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. To designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. To designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. To designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. To designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. To designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. To designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. To designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425. To designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. To designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. To designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

H.R. 2711. To amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 9, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2008, the Bonneville Unit Clean Hydropower Facilitation, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2008, THE BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT, AS TRANSMITTED TO CBO ON JUNE 7, 2010[a]

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	−2

[a] CBO expects enactment of H.R. 2008 would lead to development of hydropower facilities by a nonfederal entity within a few years. Assuming enactment of H.R. 2008 in 2010, we expect such a project would be completed by 2016 at which time the government would collect annual fees from the project developer totaling about $400,000 a year for the life of the project.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4349, the Hoover Power Allocation Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 4349, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7725. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV–09–0089; FV10–932–1FR] received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7726. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Cotton Research and Promotion Program: Designation of Cotton-Producing States [Doc. #: AMS-CN–10–0027; CN–08–003] (RIN: 0581–AC84) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7727. A letter from the Secretary, Department of the Air Force, Department of Defense, transmitting a report detailing an Average Procurement Unit Cost and a Program Acquisition Unit Cost breach for the C–130 AMP, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

7728. A letter from the President, Uniformed Services University of the Health Sciences, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program Fiscal Year (FY) 2010 Report to Congress, pursuant to Public Law 104–106, section 717; to the Committee on Armed Services.

7729. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restrictions on the Use of Mandatory Arbitration Agreements (DFARS Case 2010–D004) (RIN: 0750–AG70) received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7730. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Ground and Flight Risk Clause (DFARS Case 2007–D009) (RIN: 0750–AF72) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7731. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's 2009 annual report on the Activities of the Western Hemisphere Institute for Security Cooperation, pursuant to 10 U.S.C. 2166(i); to the Committee on Armed Services.

7732. A letter from the Under Secretary, Department of Defense, transmitting report on the potential effects of expanding the list of persons under section 10 U.S.C. 1482(c) for the disposition of the remains of those serving in the Armed Services; to the Committee on Armed Services.

7733. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Authority for Advanced Component Development or Prototype Units (DFARS Case 2009–D034) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7734. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; New Designated Country-Taiwan [DFARS Case 2009–D010] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7735. A letter from the Under Secretary, Department of Defense, transmitting notification regarding authorizing the use of a multiyear procurement (MYP) contract for the 124 F/A–18E/F and EA–18G aircraft in Fiscal Years (FYs) 2010 through 2013; to the Committee on Armed Services.

7736. A letter from the Deputy Secretary, Department of Defnese, transmitting the Department's semiannual report to Congress from October 1, 2009 to March 31, 2010; to the Committee on Armed Services.

7737. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting the Department's annual report describing the activities of the DPA Title III Fund, pursuant to 50 U.S.C. 2094(f)(3) section 304(f)(3); to the Committee on Financial Services.

7738. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7739. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule—Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority (RIN: 2590–AA04) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7740. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR)—-Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—-Individual-Level Characteristics Related to Employment Among Individuals with Disabilities Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B–1 received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7741. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR)—-Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—-Transition to Employment Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A–1 received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7742. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2007, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

7743. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Report to Congress Related to Comprehensive Tuberculosis Elimination Act of 2008''; to the Committee on Energy and Commerce.

7744. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Premiums and Cost Sharing [CMS–2244–FC] (RIN: 0938–AP73) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7745. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Center for Devices and Radiological Health; New Address Information [Docket No.: FDA–2010–N–0010] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7746. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 under the Patient Protection and Affordable Care Act [OCIIO–4150–IFC] (RIN: 0991–AB66) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7747. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual Report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures, pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

7748. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule—Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act [OCIIO–4150–IFC] (RIN: 1210–AB41) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation [EPA-HQ-OAR–2003–0064; FRL–9150–5] (RIN: 2060–AP80) received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Televison Broadcast Stations. (Seaford, Delaware) [MB Docket No.: 09–230] received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7751. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NUHOMS HD System Revision 1 [NRC–2009–0538] (RIN: 3150–AI75) received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7752. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective March 14, 2010, the 15% Danger Pay Allowance for USG civilian employees serving in Ciudad Juarez, Matamoros, Monterrey, Nogales, Nuevo Laredo, and Tijuana, Mexico has been established, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

7753. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 03–10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7754. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10–19, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7755. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Authorization for Validated End-User Applied Materials China, Ltd. [Docket No.: 100205081–0149–01] (RIN: 0694–AE86) received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7756. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 09–10 informing of an intent to sign a Memorandum of Understanding with the State of Israel; to the Committee on Foreign Affairs.

7757. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06–10 informing of an intent to sign the Project Arrangement among with Italy, Spain and the United Kingdom; to the Committee on Foreign Affairs.

7758. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10–034, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7759. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10–007, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7760. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Secretary's determination that eight countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Eritrea, Iran, North Korea (DPRK), Syria, and Venezuela; to the Committee on Foreign Affairs.

7761. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10–047, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7762. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

7763. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

7764. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Audit of the Fleet Management Administration of the Department of Public Works'', pursuant to

D.C. Code section 47–117(d); to the Committee on Oversight and Government Reform.

7765. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–414, ''Job Growth Incentive Act of 2010''; to the Committee on Oversight and Government Reform.

7766. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–415, ''Health Insurance for Dependents Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7767. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–416, ''Old Naval Hospital Community Obligation Requirements Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7768. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–413, ''Master Public Facilities Plan Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7769. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–420, ''Adoption and Guardianship Subsidy Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7770. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–419, ''Third & H Streets, N.E., Economic Development Technical Clarification Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7771. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–418, ''Withholding of Tax on Lottery Winnings Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7772. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–417, ''Medicaid Resource Maximization Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7773. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–429, ''Legalization of Marijuana for Medical Treatment Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7774. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–428, ''Healthy Schools Act of 2010''; to the Committee on Oversight and Government Reform.

7775. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period October 1, 2009 through March 31, 2010; and the semiannual Management Report on the Status of Audits for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7776. A letter from the Inspector General, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7777. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2009 Annual Report pursuant to Section 203, Title II of the Notification and Federal Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7778. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting the 2009 management reports and statements on the system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7779. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2010, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

7780. A letter from the Vice President, Congressional and Public Affairs, Millennium Challenge Corporation, transmitting Fiscal year 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

7781. A letter from the Director, Office of Management and Budget, transmitting the Office's annual report for fiscal year 2009, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Oversight and Government Reform.

7782. A letter from the Chair, Pension Benefit Guaranty Corporation, transmitting the 35th Annual Report of the Pension Benefit Guaranty Corporation; to the Committee on Oversight and Government Reform.

7783. A letter from the Senior Vice President, Diversity and Labor Relations, Tennessee Valley Authority, transmitting the Authority's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Oversight and Government Reform.

7784. A letter from the Acting Director, Fish and Wildlife Services, Department of the Interior, transmitting the 2008 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

7785. A letter from the Regulatory Affairs, Department of the Interior, transmitting the Department's final rule—Visitor Services (RIN: 1004–AD96) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7786. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107–273, the ''21st Century Department of Justice Appropriations Authorization Act'', related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107–273, section 202(a)(1)(C); to the Committee on the Judiciary.

7787. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2009 session and the June 2009 special session; to the Committee on the Judiciary.

7788. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications and the number of orders and extensions granted or denied during calendar year 2009, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

7789. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the Society's annual financial report for 2008 and 2009, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

7790. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the federal sentencing guidelines, policy statements, and official commentary, together with the reasons for the amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

7791. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's ''Major'' final rule—Fees for the Unified Carrier Registration Plan and Agreement [Docket No.: FMCSA–2009–0231] (RIN: 2126–AB19) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7792. A letter from the Chairperson, National Commission on Children and Disasters, transmitting ad-hoc Progress Report; to the Committee on Transportation and Infrastructure.

7793. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Pre-hispanic Cultures of the Republic of El Salvador, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

7794. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Further Consolidation of CBP Drawback Centers [USCBP–2009–0035] (RIN: 1651–AA79) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7795. A letter from the Chief, Publications and Regulations Branch, Department of the Treasury, transmitting the Service's final rule—Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010–40] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7796. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009 [Notice 2010–30] received May 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7797. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Section 1274—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010–12) received May 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7798. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Regulations under the Patient Protection and Affordable Care Act [TD 9482] received May 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7799. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Paper Savings and Loan Industry Supervisory Goodwill UIL 597.13–00 [LMSB4–1109–042] received May 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7800. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule—Use of Delegation Order (DO) 4–25 on Appeals Settlement Position (ASP) for the I.R.C. Sec. 41 Research Credit—Intra-Group Receipts From Foreign Affiliates (IRM 4.46.56) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7801. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated April 15, 2010); jointly to the Committees on Armed Services and Appropriations.

7802. A letter from the Secretary, Federal Trade Commission, transmitting a report entitled ''Report on Emergency Technology For Use With ATMs''; jointly to the Committees on Financial Services and the Judiciary.

7803. A letter from the Secretary, Department of Energy, transmitting proposed legislation to eliminate the need for annual updates of the workforce restructuring plans for defense nuclear facilities; jointly to the Committees on Energy and Commerce and Armed Services.

7804. A letter from the Secretary Attorney General, Department of Health and Human Services Department of Justice, transmitting the twelfth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2009; jointly to the Committees on Energy and Commerce and Ways and Means.

7805. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101–162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

7806. A letter from the Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807 50 U.S.C. 1862; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

7807. A letter from the Staff Director, Commission on Civil Rights, transmitting a report entitled ''Title IX Athletics Accommodating Interests and Abilities''; jointly to the Committees on the Judiciary and Education and Labor.

7808. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1889–DR for the State of New Jersey; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7809. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1892–DR for the State of New Hampshire; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7810. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1893–DR for the State of West Virginia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7811. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1891–DR for the State of Maine; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7812. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1890–DR for the District of Columbia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7813. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1888–DR for the State of Arizona; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. PERLMUTTER: Committee on Rules. House Resolution 1424. Resolution providing for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, and providing for consideration of motions to suspend the rules (Rept. 111–503). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BLUMENAUER (for himself, Mr. BRADY of Texas, Mr. TANNER, Mr. SHUSTER, Mr. DEFAZIO, Mr. MCMAHON, Mr. WU, Mrs. DAHLKEMPER, Mr. PETRI, Mr. CARNEY, Mr. SCHRADER, Mr. THOMPSON of Pennsylvania, Mr. FILNER, Mr. SMITH of Texas, Mr. PAUL, Mr. MANZULLO, Mr. COSTELLO, Mr. GERLACH, Mr. GRIJALVA, Ms. GRANGER, Mr. TIM MURPHY of Pennsylvania, Mr. MORAN of Kansas, Mr. LATHAM, Mr. BERRY, Mr. WESTMORELAND, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. RODRIGUEZ, Ms. JENKINS, Mr. BOSWELL, Mr. LOEBSACK, Mr. HOLDEN, Mr. BACHUS, Mr. INGLIS, Mr. ROSS, Mr. MICA, Mr. CARTER, Mr. SPRATT, Ms. CORRINE BROWN of Florida, Mr. GRAVES, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. OLSON, Mr. CARNAHAN, Mr. QUIGLEY, Mr. MCGOVERN, Mrs. BLACKBURN, Mr. DICKS, Mr. SNYDER, and Mr. RAHALL):

H.R. 5478. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to encourage the replacement of inefficient, outdated freight railcars with greener, more fuel efficient vehicles; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. BOUCHER):

H.R. 5479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Natural Resources.

By Mr. POLIS:

H.R. 5480. A bill to amend the Richard B. Russell National School Lunch Act to direct the Secretary to competitively award grants to, or enter into cooperative agreements, with Governors of States to carry out comprehensive and innovative strategies to end childhood hunger, including establishing public-private partnerships and alternative models for service delivery that promote the reduction or elimination of childhood hunger by 2015; to the Committee on Education and Labor.

By Mrs. CAPPS (for herself, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. DEUTCH, Ms. BERKLEY, Mrs. MALONEY, Mr. SHERMAN, Ms. SPEIER, Mr. MICHAUD, Ms. MATSUI, Ms. HIRONO, and Ms. SUTTON):

H.R. 5481. A bill to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself and Mr. COBLE):

H.R. 5482. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 5483. A bill to award a congressional gold medal to the United States Cadet Nurse Corps; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE:

H.R. 5484. A bill to direct the Secretary of Veterans Affairs to establish an annual award program to recognize businesses for their contributions to veterans' employment, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TONKO:

H.R. 5485. A bill to expand the National Domestic Preparedness Consortium to include the SUNY National Center for Security and Preparedness; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself and Mrs. MCMORRIS RODGERS):

H. Con. Res. 284. Concurrent resolution recognizing the work and importance of special education teachers; to the Committee on Education and Labor.

By Mr. DINGELL (for himself, Mr. SCHAUER, Mr. HOEKSTRA, Mr. PETERS, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. CAMP, Mr. LEVIN, Mr. KILDEE, and Mr. EHLERS):

H. Res. 1425. A resolution recognizing pitcher Armando Galarraga of the Detroit Tigers for pitching a near-perfect game, declaring that Galarraga pitched a perfect game, and urging Major League Baseball to overturn the mistaken safe call by the umpire that spoiled the perfect game; to the Committee on Oversight and Government Reform.

By Ms. MCCOLLUM (for herself and Mr. ELLISON):

H. Res. 1426. A resolution urging the Government of the Republic of Rwanda and President Paul Kagame to immediately release human rights lawyer Professor Peter

Erlinder from jail and allow him to return to the United States; to the Committee on Foreign Affairs.

By Mr. WAXMAN (for himself, Ms. HARMAN, Ms. RICHARDSON, Mr. SCHIFF, Mr. BERMAN, Mrs. CAPPS, Ms. WATSON, Ms. MATSUI, Mr. SHERMAN, Mrs. NAPOLITANO, Mr. MURPHY of Connecticut, Mr. MATHESON, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Mr. ELLSWORTH, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. CAMPBELL, Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Mr. MCCLINTOCK, Mr. BUYER, Mr. SHULER, Mr. HILL, Ms. CHU, and Mr. DREIER):

H. Res. 1427. A resolution honoring the life of John Robert Wooden; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

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

H.R. 40: Mr. HASTINGS of Florida.
H.R. 197: Mr. PRICE of Georgia.
H.R. 235: Mrs. KIRKPATRICK of Arizona.
H.R. 272: Mr. LAMBORN.
H.R. 333: Mrs. BACHMANN.
H.R. 450: Mr. DUNCAN.
H.R. 571: Mr. TONKO and Mr. MAFFEI.
H.R. 690: Mr. HOLT.
H.R. 731: Mr. YARMUTH.
H.R. 745: Mr. LYNCH and Mr. WILSON of South Carolina.
H.R. 891: Mr. RUPPERSBERGER.
H.R. 930: Mr. MARKEY of Massachusetts and Ms. HARMAN.
H.R. 1193: Mr. PASCRELL.
H.R. 1221: Mr. MELANCON.
H.R. 1240: Mr. COHEN.
H.R. 1255: Mr. PAYNE.
H.R. 1294: Mr. CASTLE.
H.R. 1326: Mr. RANGEL.
H.R. 1347: Mrs. MCCARTHY of New York and Ms. HIRONO.
H.R. 1351: Mrs. BLACKBURN.
H.R. 1526: Ms. TSONGAS.
H.R. 1557: Mr. WELCH.
H.R. 1806: Mr. WHITFIELD, Mr. MAFFEI, Mr. SCHRADER, Mr. FATTAH, and Mr. WU.
H.R. 1908: Mrs. LUMMIS.
H.R. 1912: Mr. PUTNAM.
H.R. 2035: Mr. CRITZ.
H.R. 2049: Ms. KOSMAS and Mr. SHADEGG.
H.R. 2067: Mr. CARNEY and Mr. LARSEN of Washington.
H.R. 2103: Mr. MAFFEI and Mr. LYNCH.
H.R. 2112: Ms. MOORE of Wisconsin.
H.R. 2142: Mr. MITCHELL.
H.R. 2149: Mr. FATTAH and Mr. CHANDLER.
H.R. 2161: Mr. CAPUANO.
H.R. 2240: Mr. ELLISON.
H.R. 2408: Ms. RICHARDSON.
H.R. 2483: Mr. VISCLOSKY and Ms. CHU.
H.R. 2624: Mr. GRIJALVA.
H.R. 2740: Mr. NADLER of New York.
H.R. 3025: Mr. ISRAEL.
H.R. 3077: Mr. MAFFEI.
H.R. 3140: Mr. PLATTS.
H.R. 3186: Mr. RYAN of Ohio.
H.R. 3202: Ms. HIRONO.
H.R. 3225: Mr. COHEN.
H.R. 3264: Mr. MORAN of Virginia.
H.R. 3349: Mr. MITCHELL.
H.R. 3375: Mr. MCCOTTER.
H.R. 3380: Mr. RODRIGUEZ.
H.R. 3415: Mr. REHBERG and Mr. ELLSWORTH.
H.R. 3464: Mr. HINCHEY.
H.R. 3517: Mr. CAPUANO.
H.R. 3564: Mr. GENE GREEN of Texas.
H.R. 3656: Mr. NYE.
H.R. 3712: Mr. MOORE of Kansas, Mr. HARE, Mr. PETERSON, Mr. OLVER, Mrs. MALONEY, Mr. CRITZ, and Mr. PAYNE.
H.R. 3734: Mrs. DAVIS of California.
H.R. 3745: Mr. TONKO.
H.R. 3781: Mr. GORDON of Tennessee.
H.R. 3790: Mr. FORTENBERRY and Mr. NYE.
H.R. 3910: Mr. INSLEE.
H.R. 3974: Mr. ROSS, Mr. VAN HOLLEN, and Mr. DAVIS of Illinois.
H.R. 4179: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4239: Mr. RYAN of Ohio.
H.R. 4278: Mr. GRAVES, Mr. TERRY, and Mr. TAYLOR.
H.R. 4296: Mr. JOHNSON of Georgia.
H.R. 4353: Mr. HELLER.
H.R. 4383: Ms. LEE of California.
H.R. 4544: Ms. RICHARDSON, Mr. CONYERS, and Ms. SUTTON.
H.R. 4598: Mr. HONDA.
H.R. 4599: Ms. BERKLEY and Mr. INSLEE.
H.R. 4645: Mr. HONDA and Ms. WOOLSEY.
H.R. 4671: Mr. BOUCHER and Mr. PUTNAM.
H.R. 4678: Mr. PAYNE.
H.R. 4687: Ms. LEE of California.
H.R. 4722: Mr. WAXMAN and Mr. GARAMENDI.
H.R. 4733: Mr. BISHOP of New York.
H.R. 4796: Mr. BACA, Mr. GENE GREEN of Texas, Mr. TERRY, and Mr. HOLDEN.
H.R. 4812: Ms. LORETTA SANCHEZ of California.
H.R. 4844: Mr. LYNCH and Mr. HOEKSTRA.
H.R. 4869: Mrs. MALONEY.
H.R. 4870: Mr. DOYLE.
H.R. 4871: Mr. WELCH.
H.R. 4886: Mr. BURTON of Indiana, Mr. ENGEL, Mr. CAO, and Mr. SCHOCK.
H.R. 4925: Mr. DOYLE and Mrs. MCCARTHY of New York.
H.R. 4926: Mr. EHLERS and Ms. FUDGE.
H.R. 4937: Mr. STARK.
H.R. 4951: Mr. BROUN of Georgia.
H.R. 4959: Mr. MAFFEI and Mr. JOHNSON of Georgia.
H.R. 4995: Mr. BROUN of Georgia and Mrs. MCMORRIS RODGERS.
H.R. 5012: Ms. RICHARDSON, Mr. MCGOVERN, and Mr. BACA.
H.R. 5015: Mr. MARKEY of Massachusetts.
H.R. 5029: Mr. WAMP.
H.R. 5034: Mr. LATTA, Mr. COLE, Ms. CASTOR of Florida, Mr. BOCCIERI, Mr. KING of New York, Mr. PETERSON, and Ms. KOSMAS.
H.R. 5041: Mr. CARNEY and Mr. CONYERS.
H.R. 5043: Mr. ACKERMAN.
H.R. 5049: Mr. GRAYSON.
H.R. 5054: Mr. BROUN of Georgia.
H.R. 5090: Mr. MARSHALL.
H.R. 5092: Mrs. HALVORSON, Mr. LARSON of Connecticut, Mr. WALZ, and Mr. MURPHY of Connecticut.
H.R. 5102: Mr. SESTAK.
H.R. 5141: Mr. BONNER and Mr. BROUN of Georgia.
H.R. 5142: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5143: Mr. KENNEDY and Mr. MORAN of Virginia.
H.R. 5162: Mrs. MCMORRIS RODGERS and Mr. MICHAUD.
H.R. 5173: Mr. MARSHALL.
H.R. 5207: Mr. MELANCON.
H.R. 5211: Mr. GRIJALVA, Ms. CHU, and Mr. FILNER.
H.R. 5213: Mr. SABLAN.
H.R. 5214: Mr. MAFFEI, Mr. LEVIN, Mr. ROTHMAN of New Jersey, and Mr. SIRES.
H.R. 5234: Mr. JONES and Mr. BOYD.
H.R. 5235: Mr. HOLDEN.
H.R. 5268: Ms. ROYBAL-ALLARD, Mr. MAFFEI, and Mr. OLVER.
H.R. 5298: Ms. WATERS.
H.R. 5299: Mrs. CAPITO.
H.R. 5309: Mr. PRICE of North Carolina.
H.R. 5313: Mr. CASTLE.
H.R. 5318: Mr. JONES and Mr. PRICE of Georgia.
H.R. 5324: Mr. FRANK of Massachusetts.
H.R. 5355: Mr. RYAN of Ohio, Mr. BRALEY of Iowa, Mr. ACKERMAN, Ms. SCHAKOWSKY, and Mr. KILDEE.
H.R. 5361: Mr. ELLISON.
H.R. 5371: Mrs. MALONEY.
H.R. 5412: Mr. HOLDEN and Mr. LOEBSACK.
H.R. 5424: Mr. ROGERS of Kentucky, Mrs. BLACKBURN, Mr. DUNCAN, and Mr. CRENSHAW.
H.R. 5434: Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. CASTLE, Mr. CONNOLLY of Virginia, Ms. HIRONO, Mr. COHEN, Mr. BROWN of South Carolina, Mrs. DAVIS of California, and Mr. PAYNE.
H.R. 5441: Ms. HIRONO and Mr. FARR.
H.R. 5443: Mr. ORTIZ.
H.R. 5449: Mr. CONYERS, Ms. RICHARDSON, and Ms. SHEA-PORTER.
H.R. 5453: Mr. TIM MURPHY of Pennsylvania, Mrs. LUMMIS, and Mr. DJOU.
H.R. 5459: Ms. BALDWIN and Ms. SUTTON.
H.R. 5462: Mr. WELCH.
H.R. 5477: Mr. CAPUANO.
H.J. Res. 37: Mr. GOODLATTE.
H.J. Res. 86: Mr. LAMBORN, Ms. SLAUGHTER, Mr. WILSON of South Carolina, Mr. MCGOVERN, Mr. PAYNE, Mr. MEEKS of New York, Mr. BISHOP of New York, Mr. KENNEDY, Mr. POMEROY, Mr. BOUSTANY, Mr. BOSWELL, Mr. ADERHOLT, Ms. CLARKE, and Mr. CUMMINGS.
H. Con. Res. 266: Mr. LAMBORN and Mr. BONNER.
H. Con. Res. 281: Mr. INGLIS, Mr. MCCAUL, Mr. PENCE, Mrs. MYRICK, Mr. WESTMORELAND, Mr. BLUNT, and Mrs. MCMORRIS RODGERS.
H. Res. 173: Ms. MARKEY of Colorado, Mr. STUPAK, Mr. RUSH, Ms. TSONGAS, Mr. HASTINGS of Florida, Mrs. MILLER of Michigan, Mr. CROWLEY, and Mr. KIRK.
H. Res. 518: Mr. FALEOMAVAEGA.
H. Res. 536: Mr. CARNEY.
H. Res. 546: Mr. MAFFEI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RYAN of Ohio, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. QUIGLEY, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. RANGEL, Mr. LOEBSACK, Ms. ROYBAL-ALLARD, Mr. NADLER of New York, Mrs. HALVORSON, Mr. RUSH, and Ms. SCHAKOWSKY.
H. Res. 637: Mr. MCCLINTOCK, Mr. MCCARTHY of California, Mr. NUNES, Mr. CARTER, Mr. EHLERS, Mrs. BLACKBURN, and Mr. BROUN of Georgia.
H. Res. 989: Mr. MCDERMOTT.
H. Res. 1035: Mr. HOLDEN, Mr. ANDREWS, Mr. HALL of New York, Ms. ROYBAL-ALLARD, Ms. FUDGE, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. CARNEY, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1207: Mr. HINCHEY.
H. Res. 1219: Mr. GRAYSON, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. STUPAK, and Mr. HONDA.
H. Res. 1224: Mr. DOYLE.
H. Res. 1241: Mr. SENSENBRENNER and Mrs. MYRICK.
H. Res. 1275: Mr. FRANK of Massachusetts and Mr. GRAYSON.
H. Res. 1279: Mr. CARTER.
H. Res. 1302: Ms. ROYBAL-ALLARD.
H. Res. 1306: Ms. EDWARDS of Maryland.
H. Res. 1365: Mr. CAMPBELL.
H. Res. 1368: Mr. GORDON of Tennessee, Mr. FRANK of Massachusetts, and Mr. MURPHY of Connecticut.
H. Res. 1379: Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, and Ms. MOORE of Wisconsin.
H. Res. 1383: Mr. AKIN.
H. Res. 1398: Mr. CROWLEY and Mrs. MALONEY.
H. Res. 1401: Mr. COSTELLO, Mrs. MILLER of Michigan, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Mr. SCOTT of Georgia, Ms. HIRONO, and Mr. LEWIS of Georgia.
H. Res. 1414: Mr. QUIGLEY, Mr. SHIMKUS, Mr. COSTELLO, Mr. SCHOCK, Ms. JACKSON-LEE of Texas, Mr. ROSKAM, Mr. LIPINSKI, and Mr. MEEKS of New York.
H. Res. 1420: Ms. LINDA T. SÁNCHEZ of California, Mrs. CHRISTENSEN, Mr. FARR, Mr.

FALEOMAVAEGA, Mr. CONNOLLY of Virginia, Mr. DEUTCH, Ms. HIRONO, and Mr. GRIJALVA.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WATERS, or a designee, to H.R. 5072, the FHA Reform Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, TUESDAY, JUNE 8, 2010 No. 85

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, today strengthen our Senators to do Your will on Earth, even as it is done in heaven. Give them the wisdom to put their trust in You, expecting You to shield them from danger and to lead them to a desired destination. May they find joy in obeying Your word.

Lord, let Your glorious Name be duly honored and loved by all who labor for liberty. Give us the humility to know that none of us has a monopoly on Your truth and that we all need one another to discover Your guidance together. You are the judge of all humanity. Look with favor upon us today and always.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 8, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will turn to the consideration of the House message to accompany H.R. 4213, the American Jobs and Closing Tax Loopholes Act. The Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly caucus luncheons. Rollcall votes are expected to occur throughout the day in relation to amendments to the tax extenders bill.

Chairman BAUCUS is here. As soon as the leader remarks are finished, he will lay down the amendment that is the substitute for the House message. I hope people will study this legislation and determine what, if any, amendments they wish to offer. We are going to have to work hard on this legislation. We will not be able to work late today because of some events that are taking place away from the Capitol tonight that involve both Democratic and Republican Senators.

On Thursday, we will deal with the Murkowski resolution. That is under a previous order that has been entered.

I hope that today and tomorrow, people will offer their amendments because we are going to have to wind this down as quickly as we can. I want to make sure people have the opportunity to offer amendments. It is pretty clear what is in it. There are relatively few changes from what has been done in the House. The main change is the fact that we are adding to this money—I think most of us have received calls from our Governors—dealing with Medicare. That is a matter that is going to be laid down by the chairman of the Finance Committee.

GULF OILSPILL

Mr. REID. Madam President, I had the good fortune of having been put on the Environment and Public Works Committee from the first day I came to the Senate. It has been a great experience to serve on that committee. I have served under Chairman Chafee, Chairman Moynihan, and Chairman BAUCUS. Some remember I gave up my chairmanship for Jim Jeffords from Vermont. The committee is terrific. I love the jurisdictional swing that committee has.

As a result of this background, I have watched the oilspill in the gulf very closely. But I say to everyone within the sound of my voice, you do not have to have longstanding experience on the Environment and Public Works Committee to understand how terrible this has been to the environment. We do not know the outcome of the degradation to our environment as a result of this tragedy, and that is what it is. The Coast Guard admiral who is in charge has indicated there is no longer a plume. There is oil going in different places. Remember, the oil well is a mile below the surface of the ocean. So there are tar balls, sheets of oil for hundreds and hundreds of miles. Sadly, the worst is probably yet to come.

The one thing we tend not to focus on very much is the loss of life. Of course, we see the dead animals, and that is tragic. It is so sad. A pelican is an animal. It is not on the endangered species list. We took it off that list in the last year or so. Now these animals are dying by the dozens every day.

What we do not focus on as a result of the negligence—gross negligence—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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perhaps criminal acts of BP is that 11 people are dead; 11 people were killed. That seems to be overshadowed a lot of times. Eleven people are dead. Brothers, fathers, and sons were killed on the night of that terrific explosion. I hope we do not, in spite of the horrible conditions that have been caused to our environment, lose track of the fact that this is a personal tragedy for lots of people. Eleven people were killed and many others were injured. The American people are going to have to not forget the personal tragedies of these people who were lost. I am sure they will not.

I thought it important this morning to remind everyone that this is certainly an environmental disaster. But for the persons involved as a result of the cutting of corners that BP did—it is not just me talking. We see it on TV shows and the evidence is coming in. I talked with one oil executive over the weekend, and he is flabbergasted. He is flabbergasted as to what had taken place. There was no redundancy. This company simply did not follow rules that are in place to prevent things like this from happening.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Madam President, amid all the various crises Americans face at the moment, one of the most exasperating has to be the increasingly high cost of health care. The American people do not understand how an administration that devoted more than a year talking about health care could end up with a bill that actually raises the cost of care instead of lowering it.

Seniors are particularly upset about this legislation, and that is why the White House is staging an event today aimed at convincing them they are actually getting a good deal. But seniors are right to be skeptical. They were told this law would strengthen Medicare, when, in fact, it takes $½ trillion out of Medicare to fund a new government program. They were also told that if they liked their plan, they could keep it. Yet now we hear that millions of seniors will lose their Medicare Advantage benefits they already have and like as a result of the Democratic health care bill.

The centerpiece of today's event is a $250 rebate check the administration will pass out to the fraction—fraction—of seniors who qualify for it. I am sure anyone who gets these checks is happy to take that extra cash, especially in the current economy. What the administration, however, will not mention at today's event is that for every senior who gets a check, more than three other seniors will see an increase in their prescription drug insurance premiums. In other words, behind every $250 check is more than three seniors who will be paying more as a result of this bill. The reason for this is that the health care bill Democrats forced on Americans earlier this year requires higher government-mandated minimum standards for everyone. Those who opted for anything below that minimum will now see their premiums go up, and the number of seniors in this category far, far outnumbers those getting a check. The administration can tout the check it is giving out to some seniors, but by failing to mention those seniors for whom it is causing rates to go up, it is hiding the whole truth.

That has been the story all along about this bill—a lot of promises that could not be kept. That is why the story now is not the bill itself but the administration's broken promises. Americans never wanted this bill. They never wanted it in the first place. And they are reminded every day why they opposed it.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. BAUCUS. Madam President, I ask that the Chair lay before the Senate a message from the House with respect to H.R. 4213.

The Acting President pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agrees to the amendment of the Senate to the bill (H.R. 4213) entitled ''An Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes,'' with the House amendment to the Senate amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 4301

(Purpose: In the nature of a substitute)

Mr. BAUCUS. Madam President, I move to concur in the House amendment to the Senate amendment to the House bill with an amendment which I send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 4301 to the House amendment to the Senate amendment to H.R. 4213.

Mr. BAUCUS. Madam President, I ask unanimous consent that the reading of the amendment be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BAUCUS. Madam President, a few moments ago, the Republican leader sought once again to throw mud at the new health care law that Congress enacted earlier this year. Let me take a moment to set the record straight.

The Republican leader said the premiums would go up for some Americans. What the Republican leader did not say is the nonpartisan Congressional Budget Office found that health care reform would lower premiums for the overwhelming majority of Americans. After taking into account the tax credits to help buy insurance, health insurance will cost less for 9 out of 10 Americans—no small amount.

The Republican leader mocked the new payments to seniors the President is highlighting today; that is, the $250 for drug benefits. The President made the point that that is important for seniors. The truth is, seniors will welcome the help they will soon be receiving to pay for prescription drugs in their coverage gap, the so-called doughnut hole. Starting very soon seniors will receive $250 to help pay for their prescriptions. By the time health care reform is fully phased in, we will have completely eliminated the doughnut hole. This is something seniors care about very much.

No longer will seniors have to choose between their rent and the prescriptions they need. No longer will seniors have to cut their pills in half just to get by. No longer will seniors live in unnecessary pain just because of drug costs. So the fact is, health care reform will help to control the costs in health care. Health care reform will reduce costs for the taxpayer over the decades to come. That is not my assertion, it is that of the Congressional Budget Office. Health care reform will increase access to lifesaving medical treatments for millions of Americans who all too often now must do without.

Madam President, on the matter before us today, 15 million Americans have lost their jobs during this great recession. Although the unemployment rate came down some last month, it remains near 10 percent. At the depth of the great recession, during the first months of last year, the economy lost an average of 750,000 jobs a month. That is practically the population of my State. We have come a long way since then. Even if we exclude temporary census jobs, in the first 5 months of this year the economy has created nearly half a million new jobs. But we still have a lot more to do. We have to get more Americans back to work.

We began doing just that with the Recovery Act. We enacted that as one

of the first things the new Congress did in February of last year. According to the nonpartisan Congressional Budget Office, the Recovery Act increased by between 1.2 million and 2.8 million the number of Americans employed.

We continued getting more Americans back to work with the Hiring Incentives Act that we enacted in March of this year. The HIRE Act should help to bolster job creation in coming months.

We are continuing again today with the American Jobs and Closing Tax Loopholes Act. This bill would create jobs by improving our Nation's infrastructure. It would reduce the cost to local governments to build roads, bridges, and water treatment facilities that would create jobs.

This bill would also extend provisions that expire at the end of May. These provisions would provide important relief for many Americans.

Americans who are out of work are depending on our job creation efforts. This bill extends the needed lifeline of unemployment benefits to more than 5 million Americans who would not be able to support themselves or their families without this help.

We are talking about people who have worked, want to work, and will work again. These are our neighbors. And they need our help.

In my home State of Montana, we have seen some promising signs of recovery. In Yellowstone County, unemployment is down from 6 percent in March to 5.2 pesent in April. That is good news. But there still remain people who need our help.

Some counties in Montana have unemployment as high as 16.8 percent. In Montana, as with the rest of country, we have seen an increase in people looking for work.

Unemployment rates will continue to hover around 10 percent even as the economy improves. As the economy adds jobs, many unemployed people grow more hopeful and resume their search for work. That is one reason why economists call unemployment a lagging economic indicator.

The bill that we are considering today includes improvements to the unemployment insurance program. This bill would eliminate the penalty in unemployment insurance for getting part-time or temporary work. Under current law, if people who are unemployed take part-time or temporary jobs, and then lose that job, they receive lower benefits than people who did not take short-term work. This bill corrects that inequity.

This bill also expands the Trade Adjustment Assistance Community College and Career Training Program. The bill would broaden the program to include workers who are eligible for unemployment insurance. This will help more Americans who are looking for work to get the education and looking career training that they need.

If we do not pass this bill, doctors who see Medicare and TRICARE patients will take a 21 percent pay cut. More and more physicians are threatening to leave the Medicare and TRICARE programs if this happens. Seniors and military families could lose access to their doctors.

We cannot keep postponing this issue every month or two. Seniors worry they will lose their doctors. And physicians cannot run a business with this much uncertainty.

We need to pass a long-term reform. I would life to fix the problem permanently. But the votes are not there today. We will permanently reform Medicare's system to compensate doctors as soon as we can.

In the meantime, this bill provides security to doctors and the patients they see for the next year and a half through 2011. It provides a modest payment increase to physicians for the rest of this year and next year.

This multi-year provision would prevent the untenable cut in physician payments. And this bill would provide a pathway to a permanent change in how doctors are paid.

The budget rules have to score a permanent reform as a cost. But we all know that this is something that we have to do for America's seniors, military families, and doctors.

This bill would also provide tax relief for American families and businesses. This bill would help communities that have suffered a natural disaster. And this bill includes important tax incentives to improve America's energy independence.

For individuals and families, this bill provides much-needed tax relief in a time of economic uncertainty.

This bill would extend the teacher expense deduction for teachers who buy school supplies for their classrooms. And it would extend the qualified tuition deduction to help with college costs.

This bill would extend much-needed relief for communities that have suffered from natural disasters.

And it would extend important business tax provisions to help create jobs and make our companies competitive in a global economy.

The bill would extend the research and development credit to help businesses to continue to be on the cutting edge.

The bill would also extend important energy tax incentives. For example, the bill would extend the dollar-per-gallon credit for biodiesel and renewable diesel. And the bill would extend the manufacturer's credit for the construction of new energy-efficient homes.

In addition to these important provisions that provide direct assistance in job creation, the bill includes other proposals that will provide relief for businesses and individuals.

One such provision is pension funding relief.

With the weak economy, American employers are faced with the need to make higher pension contributions. Several factors have combined to require these higher contributions.

There is the funding changes of the Pension Protection Act of 2006.

There is the slide in the stock market in 2008.

And then there is the ensuing great recession.

These requirements for higher contributions are coming upon employers just when they are facing lower asset values and lower cash flow. Meeting the new funding rules could divert resources that employers could use to keep workers on the payroll.

We addressed this bind temporarily in 2008. But employers are still facing the prospect of closing plants and stores. Employers are still faced with the possibility of letting workers go in order to make up for lost asset values.

This bill contains additional temporary, targeted, and appropriate relief for these employers. And at the same time, the bill still maintains the pension security system.

These tough economic times have hit the States hard, as well. In last month's employment report, for example, State and local governments cut 22,000 jobs.

So, included in the substitute amendment is a 6-month extension of the additional Federal financial assistance for State Medicaid programs. This would allow States to plan for their next fiscal year with the greater certainty.

Additional Federal Medicaid match money, known as FMAP, helps the economy grow. According to the economist Mark Zandi, this funding has a return on investment of about $1.40 for every dollar invested.

The nation's governors have repeatedly asked for an extension of this Federal assistance. And this bill answers their pleas.

With so many Americans out of work, our country needs Congress to enact this legislation.

This bill continues valuable tax incentives to families and businesses that will help them in these difficult economic times. And the bill sustains vital safety-net programs that will also help foster economic growth.

This legislation is important to the American people. It would prevent millions of Americans from falling through the safety net. It would extend vital programs that are set to expire. It would put cash in the hands of Americans who would spend it quickly, boosting economic demand. And it would extend critical programs and tax incentives that create jobs.

And so, let us help America's businesses to create more jobs. Let us join together to work across the aisle on this common-sense legislation. Let us enact these tax incentives and safety-net provisions into law.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I get a fair amount of mail. I received the other day a nice envelope from the Department of Health and Human Services addressed to Andrew L. Alexander, Jr., in my Nashville residence, with a nice brochure here: Medicare and the New Health Care Law; What It Means to You.

I am one of those 40 million Americans who is 65 or older, so I am a part of Medicare. I was very interested to read the brochure, because I spent a lot of time, as did the Senator from New Hampshire, and the Senator from Montana probably spent even more, on the new health care law.

As I read through this brochure, it did not bear very much relationship to the way I understood the law I voted on Christmas Eve at the end of last year when we passed this health care law.

This brochure, which has been mailed at taxpayer expense to more than 40 million Americans, is an attempt by the administration to explain that the health care law does what it does not do or does not do what it does. Let me be specific about why I say that. Throughout the debate, those of us on the Republican side of the aisle said the health care law would cut Medicare, raise premiums, raise taxes, pass Medicaid costs on to States, and add to our national debt. Those on the other side said we were wrong. Since they had the votes, they passed the bill. It is now law. But let me take two or three examples from the mail I got the other day. The brochure claims, in the first paragraph, that the new health care law will result in ''increased quality health care.'' Well, that would mean, to me, I would think, as I read that, that I, an individual on Medicare, or that any individual in the United States, would continue to have at least the coverage I am having today and hopefully more.

Yet Medicare's own Chief Actuary noted in an April 22 memorandum that without intervening legislation to correct a payment cut in the new law, some providers would ''end their participation in the program''—that is Medicare—with the effect of ''possibly jeopardizing access for beneficiaries.''

It looks to me if you want to be accurate in writing 40 million Americans about what is happening with Medicare, you would add that in there and say there is another view by the Chief Actuary of Medicare in the Obama administration.

The Chief Actuary also concluded that 15 percent of Part A providers—we mean by that hospitals, skilled nursing facilities, hospices, home health agencies—may be unable to sustain their operation in the next 10 years as a result of drastic Medicare cuts in the new law. That does not sound like ''increased quality health care'' to me.

No. 2, the second paragraph of the brochure says: The new health care law will keep Medicare strong and solvent.

Here is the truth, at least as we see it. The $529 billion in cuts to Medicare—no one disputes that we have those—are being used to pay for a $1 trillion—when fully implemented over 10 years—health care bill, not to shore up Medicare.

According to the same people who put out this brochure, the CMS Chief Actuary, you cannot double-count the Medicare cuts as both paying for expanding the health care delivery system and increasing the solvency of the program. I mean, common sense says if you take $529 billion out of Medicare over the first 10 years, or $1 trillion out of Medicare over 10 years, when it is fully implemented, and you spend almost all of that on something other than Medicare, that is not the way to make Medicare more solvent, even if it is a new Medicare Program. Any savings from Medicare, we believe, ought to be spent on Medicare, rather than running up the fiscal deficit in Medicare.

No. 3, on the second page, the brochure says if you are in a Medicare Advantage plan, you will still receive guaranteed Medicare benefits. This is one of the most disingenuous comments in the brochure. If you read that and are one of the more than 11 million people on Medicare Advantage, you would think: My Medicare Advantage must be OK. The truth is, Medicare Advantage plans will have less generous benefit packages, according to the CMS, the group that puts this out, according to the Chief Actuary. He says it will result in less generous benefit packages. The Congressional Budget Office Director Doug Elmendorf testified that fully half the benefits currently provided to seniors under Medicare Advantage would disappear under the proposal in the earlier bills offered by the Senator from Montana, which were virtually the same as this bill.

Here is the difference. They will come back and say: But we said ''guaranteed benefits.'' They would be right about that. But guaranteed Medicare benefits are what everybody has. If one wants Medicare Advantage, which they pay a little more for to cover dental, vision, and hearing, or other extra benefits, that is why they buy Medicare Advantage. The truth is, the Medicare cuts in the health care law will limit plan choices and reduce benefits for almost 11 million seniors enrolled in Medicare Advantage on those extra benefits. That is relatively one-fourth of all seniors in Medicare, and there are 40 million of us in Medicare. In my State of Tennessee, there are nearly a quarter of a million on Medicare Advantage who will lose those benefits. So it is not true—or at least it is disingenuous—that benefits will not change. Guaranteed benefits won't, but extra benefits likely will.

Finally, it says the new law preserves and strengthens Medicare. That is also disingenuous, because the new law does not include paying doctors who serve Medicare patients proper compensation. We call this the sustainable growth rate, the SGR. Some people call it the doc-fix. One would think a comprehensive health care law would include proper compensation for doctors who serve Medicare patients, but it does not. Why? It would have, according to the President's budget, added $371 billion to the cost of the bill and made it add to the debt, which we said it would.

So what did we do instead? We simply passed a health care law, the majority did, and claimed it doesn't add to the debt, expand the health care delivery system—which we all know costs too much already—and went on our way. And we still have with us the big cut in payments to doctors which will increasingly create, for those on Medicare, a sort of health care bridge to nowhere or to the emergency room, as we find Americans who are on the big government programs, Medicare and Medicaid, unable, in the case of Medicaid or Medicare, to find doctors who are willing to serve them at the lower rates and, in the case of those who go to Walgreens in Washington State, a drugstore company that won't fill present description drugs for Medicaid patients because of the low rates.

I am disappointed that the administration, in its effort to make the health care law sound better, would send out what amounts to propaganda. There is a Federal law against propaganda. It says annual appropriations can't be used for publicity or propaganda purposes within the United States. I know a little about that. When I was Education Secretary in 1991 and 1992, I sent out what I thought was a very carefully written article to teachers about President Bush's, the first, education program, and the Democrats in Congress hauled me up before the committee and had the General Accounting Office investigate me and castigated me for putting out publicity and propaganda in violation of the law. Some House Members have written the General Accounting Office and said this violates the law. I don't know whether it violates the law, but it doesn't tell the truth in the way we Medicare beneficiaries deserve to have the truth told to us about what the health care law does. I am disappointed in it. I hope the Center for Medicare and Medicaid Services will be more accurate in the future and present a more balanced characterization of the law. I am sure during the rest of this year there will be a great many Americans who will take a closer look at the law and agree with Republicans who said no to this because it will raise premiums, raise taxes, and it will send new costs to States and will cut Medicare.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, it is with interest that I listened to my colleague from Tennessee for several reasons. One, he is debating a law that has already passed. It is strange to me that he wants to relitigate health care reform. But it is not so strange because I know that that is the tack the other side is going to be taking for the rest of this year. At every opportunity, Senators on the other side of the aisle, all of whom voted against health care reform, will sow the seeds of doubt in the minds of the American people. They don't come up with constructive ideas on how to improve the work of something that has already passed into law. Rather, they stand on the law and tear down something that has passed, sowing the seeds of doubt with misinformation.

It is unfortunate, because it has caused the American people to wonder who they can trust, especially when one side only speaks ill of a major program such as health care rather than trying to come up with constructive ideas. That is what is happening right now. We heard a statement from a Senator who is trying to basically score points in the November elections by sowing the seeds of doubt and confusion over health care reform.

The truth is not what the Senator just said. The Senator from Tennessee takes issue with efforts of the government to explain the new health care law. He is implying that it is disingenuous, that it is not fair, that it is one-sided. I remind all my colleagues that when the drug benefit came out, proposed by the administration of a different political philosophy, they didn't pay for it—all unpaid for, every red cent. They put all kinds of literature out, all kinds of brochures to tout the drug benefit. There were some who thought it wasn't fair. There were some who thought it was biased. I will not litigate that issue, but I do know that charge was made many times when the administration of a different political persuasion was touting the drug benefit legislation that passed not too long ago.

I have spoken with this administration several times about getting the proper information out; that is, not to tilt, gild the lily, bias. At hearings I have made that clear to administration officials. I for one do not want this administration or any administration to be unfair in explaining the program to the American people. I think the brochure the Senator talks about is fair and straightforward. I just happened to pull up the Web site yesterday and looked at it to see what it said. I was impressed. There is a lot of information there I didn't know about. It didn't at all come across to me, trying to be objective and fair, as one-sided. It was an honest effort to explain to the American people what health care reform is.

The new law takes steps to improve the quality of health care. Let me go back to what the Senator said. No. 1, he took issue with the paragraph that said the new law increases the quality of health care. Of course, the new law increases the quality of health care. The Senator from Tennessee is sowing the seeds of doubt as to whether this new law actually does increase the quality of health care. Let me explain how it does. First, there is delivery system reform. We get rid of a lot of the waste in the American health care system. It is paid on the basis of quality, not on the basis of quantity and volume. Every expert who has looked at the American health care system knows we have to move in this direction. This bill does that. It is going to reimburse doctors, hospitals, and health care providers more on the basis of quality outcomes than on the basis of the number of services provided or the quantity of services.

The doughnut hole will be filled. That will increase the quality of health care for seniors. The statement that the Senator refers to from the HHS Actuary actually says that health care reform will extend the life of the Medicare trust fund for another decade. I think that improves the quality of health care. Anyone who objectively has looked at the health care reform legislation and attempted to determine one issue; that is, the life of the Medicare trust fund, has concluded that the passage of health care reform will extend the life of the Medicare trust fund for 8 to 10 years. That clearly gives seniors a little peace of mind. It is going to be there. It gives peace of mind to people who are about to be seniors, that it is going to be there. That is a major improvement in quality.

It is true what the brochure says. It does increase the quality of health care. There is no doubt about it. Anyone who thinks otherwise should think through the entire legislation and be objective about it.

No. 2, he refers to the assertion that it keeps Medicare strong and solvent and claims that is not true. The Actuary says that health care reform will extend the life of the Medicare trust fund for another decade. That is 100 percent refuted.

Third, the Senator from Tennessee quibbles with the assertion that Medicare Advantage beneficiaries will continue to receive their guaranteed benefits. The Senator at first admits this is true, but the larger point is that health care reform reduces overpayment to Medicare Advantage plans. And why should other beneficiaries pay extra for the overpayments made to some people who are beneficiaries of Medicare Advantage plans? I have talked to a lot of executives who work for Medicare Advantage plans in the last week or so. They are interested, and they like it. They like the change in the law. Why? Because they know they are going to be reimbursed now more on the basis of quality.

Medicare Advantage plans will be paid more if they can show better outcomes, higher quality, not just the standard ''you get the same rate'' benchmark compared with fee for service and so forth. A CEO of a major Medicare Advantage plan said: Senator, we think that is good policy. We like that. We are ready. We are anxious. We want to do a real good job. We think that is a good change in the law. That is going to, frankly, help seniors—higher quality, better benefits under Medicare Advantage plans. That will help.

Essentially, I want to make it clear, the Senator from Tennessee complains the health care law did not correct for payment of doctors. Here is his opportunity. He could vote for this bill today. If he doesn't want doctors to take a 21-percent cut, if he doesn't want that, he should vote for this bill. This bill before us today would prevent that cut from taking place.

I very much look forward to seeing the Senator from Tennessee voting for this bill so that doctors do not get a cut in their payment. That would be the right thing to do, support this bill so doctors don't get cut.

Again, the Senator takes issue with the assertion that health care reform would help keep Medicare solvent. The fact is, the nonpartisan Medicare Actuary said health care reform will extend the life of the Medicare trust fund for a decade longer.

I return to my first point: The health care reform law has passed. The President signed it. My gosh, why don't we work together constructively, both sides, with good points, praise, criticism, both sides of the aisle, all constructively to help the American people? Why are we here? We are here to help the American people. We are not here to score political points. We are the hired hands. We are the employees. We work for the American people. The American people want good health care reform. They want costs lower, and they want higher quality care. So let us work together to help the American people get that. That is what we should be doing here, not trying to score political points and cause disruptions for the American people for the upcoming elections in November.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VENEZUELA

Mr. LEMIEUX. Mr. President, I am here again today to talk about my concerns that are emerging from the problems we are seeing in Venezuela.

Last May 25—just a couple weeks ago—I wrote a letter to the Secretary of State, Secretary Clinton, that was signed by 11 of my colleagues and myself. Senator ENSIGN from Nevada and I wrote this letter together, and we were

welcome to have 10 other Senators join in the letter to Secretary Clinton to speak about our concern—in fact, what we would call a gathering storm of concern—about the country of Venezuela.

The letter seeks to have a review by the Secretary of State and the Department of State as to whether Venezuela should be added to the list of states that we consider state sponsors of terror. The letter goes through a number of issues I have spoken about on the floor before concerning some very questionable behavior by Hugo Chavez and Venezuela.

One of the issues it talks about is the support of Venezuela for the narcoterrorists in Colombia, the FARC. Evidence has come forward that Venezuela's weapons have found their way into the hands of these narcoterrorists.

Another of the things we talk about in the letter is the concern with a plot that was revealed by a Spanish judge in March of this past year—a plot to assassinate President Uribe in Colombia, where the Spanish judge has accused Venezuela of being behind that plot, along with a Spanish terrorist group called the ETA.

The letter also speaks about Hezbollah's activities in Venezuela—Hezbollah, the Middle Eastern terrorist group, supported by Iran.

The letter also speaks of the troubling new information that for at least 3 years Venezuela and Iran have been putting factories together in remote areas of eastern Venezuela, which is the area believed to be rich in uranium.

In December of 2008, Turkish customs authorities caught one of these joint companies, literally called VenIran—''Ven'' for Venezuela—a ''tractor factory,'' attempting to smuggle 22 containers of explosive materials labeled as ''tractor parts.''

Since 2007, we have pointed out, there have been direct flights between Caracas, Venezuela, and Tehran, Iran, without proper controls or customs verifications.

We have also pointed out in the letter there are increasing paramilitary Iranian forces operating in Venezuela.

We know from recent reports from the IAEA, the International Atomic Energy Agency, that Iran now looks to have the nuclear fuel which will give them the capability to build nuclear weapons. We have had open testimony in front of the Armed Services Committee that within 3 to 5 years Iran may have the intercontinental ballistic capability to deliver those weapons across the ocean and put the United States in jeopardy.

But Venezuela is a lot closer. There is no need for an ICBM from Venezuela. In fact, a flight from Venezuela to Florida is about the same length in time as a flight from Florida to Washington, DC.

So we brought this letter to the attention of Secretary Clinton in May. We wrote this letter on May 25, 2010.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 25, 2010.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY CLINTON: We are deeply concerned about Venezuelan President Hugo Chávez' growing ties with U.S.-designated foreign terrorist organizations and state sponsors of terrorism. This letter is to present you with a number of questions that we believe should be thoroughly addressed within the Department of State's 2009 Country Report on Terrorism which was due to Congress on April 30, 2010. We realize that thorough answers to some of these questions may require a classified annex.

PRESIDENT CHÁVEZ' SUPPORT OF FARC

The Revolutionary Armed Forces of Colombia (FARC) is South America's oldest and best armed terrorist group. As pointed out in the 2008 Country Report on Terrorism, the FARC is notorious for carrying out a full range of terrorist activities to include kidnappings, murders, mortar attacks, hijackings, and bombings against Colombian political, military, and economic targets.

On March 1, 2008, a Colombian military strike against a FARC camp in Ecuadorian territory successfully killed senior FARC members, including Luis Édgar Devia Silva (aka Rául Reyes). Silva was a known terrorist responsible for numerous atrocities within Colombia, and his death and the subsequent capture of his computer laptop provided a treasure trove of intelligence. Chávez mourned the loss of Reyes and eulogized this terrorist as a ''good revolutionary'' while amassing troops on the Colombian border in an attempt to intimidate his Latin American neighbor.

In light of what the U.S. government has discovered from the ''Reyes'' documents and other sources, we ask that the annual terrorism report provide attention to the following questions:

What does the information found on Reyes' computer reveal with regard to the depth of the relationship and support that the FARC receives from high-ranking officials in the Chávez government? Based on information gleaned from the laptop, what type of surface-to-air missiles or man-portable air defense systems (MANPADs) has Venezuela provided to the FARC or enabled the FARC to obtain, and what threat do those systems pose to Colombia and U.S. counterdrug efforts in the region?

In September 2008, the U.S. Department of the Treasury's Office of Foreign Assets Control designated two senior Venezuelan Intelligence officials, Hugo Armando Carvajal Barrios and Henry de Jesus Rangel Silva, and one former senior security official, Ramon Rodriguez Chacin, for materially assisting the FARC's illicit activities.

What types of weapons have these three senior Venezuelan government officials enabled the FARC to acquire? To what extent does the FARC use proceeds from illicit drug trafficking to acquire weapons from the Venezuelan government?

In late July 2009, the government of Sweden requested an explanation from Venezuela about how the FARC obtained Swedish-made anti-tank rocket launchers that had been sold to Venezuela in the 1980s. Three of the launchers, matched by their serial numbers, were recovered from a captured FARC arms cache in October 2008.

Do we have the intelligence resources in place to properly monitor the flow of guns and money from Venezuela to the FARC? Are known FARC officials, such as Rodrigo Granda, Marin Arango (aka Ivan Marquez), and Rodrigo London Echeverry (aka Timochenko or Timoleon Jiminez) able to operate and move freely within Venezuela?

Do you agree with Director of National Intelligence (DNI) Dennis Blair's March 2009 testimony before the Senate Armed Services Committee in which he stated that despite setbacks brought about by the Colombian government's tireless efforts ''the FARC leadership has shown no signs it seeks to end hostilities or participate in serious peace talks'' and further, that the FARC benefits from cross-border sanctuaries in Venezuela?

It is well known that cocaine trafficking funds FARC operations. The United Nations World Drug Report for 2009 revealed that nearly one-third of all cocaine produced in the Andean region passes through Venezuela. To what extent does the Venezuelan government's involvement in the international drug trade allow for millions of dollars to flow into the coffers of narco-terrorists?

Recently, the Treasury Department, in an unprecedented move, labeled an active foreign military official as an international drug ''kingpin'' for enabling massive shipments of cocaine from Venezuela into West Africa. Americans are now banned from doing business with Ibraima Pap Camara, the Air Force Chief of Staff in Guinea Bissau and the former head of Guinea-Bissau's Navy and Jose Americo Bubo Na Tchuto, and any assets the two might have had in the United States are now frozen.

To what extent are drugs from Venezuela flowing into West Africa, and what impact does that have on political corruption, drug smuggling, and terrorist operations in the region? Should President Chávez be held accountable under the Kingpin Act for his role in the flow of drugs to the rest of the world?

How much do terrorist groups such as Al-Qaida in the Islamic Maghreb (AQIM) profit from trafficking drugs that originate in or flow through Venezuela? What specific steps is the United States taking to cooperate effectively with countries in South America, North Africa, and the Sahel to blunt the trafficking of drugs across the Atlantic and into West Africa?

HEZBOLLAH'S ACTIVITIES IN VENEZUELA

Prior to September 11, 2001, no terrorist group had killed more Americans than Lebanon-based Hezbollah. On June 18, 2008, the U.S. Treasury Department's Office of Foreign Assets Control announced that it was freezing the U.S. assets of two Venezuelan based supporters of Hezbollah—Ghazi Nasr al Din (a Chávez employed ''diplomat'') and Fawzi Kan'an for providing direct support to Hezbollah. According to the Department of Treasury, these two individuals were involved in the planning of Hezbollah operations, including terrorist attacks and kidnappings.

What is your assessment of the presence and activities of Hezbollah inside Venezuela? What is your assessment of the purpose and implications of a meeting in Beirut on or about February 1, 2010, between Adel El Zabayar and Imad Saab, deputies of the Venezuelan National Assembly, and Nawaf Musawi, director of international relations of Hezbollah?

On November 3, 2009, our Israeli allies stopped the cargo ship MV Francop before it could reach its destination in Syria, which is a state sponsor of terrorism. The Francop was loaded with 36 shipping containers holding 500 tons of Katyusha rockets, mortars, grenades, and a half-million rounds of small-arms ammunition suspected to be bound for Hezbollah.

Is there information confirming that the Francop had stopped in the Venezuelan port of Guanta before sailing for Syria and at the

same time that Venezuelan Foreign Minister Nicolas Maduro was in Damascus visiting with Syrian President Bashar Al-Assad? Are there any indications of a substantial Iranian security presence in Guanta?

PRESIDENT CHÁVEZ SUPPORT FOR STATE SPONSORS OF TERRORISM

In addition to his documented support for Hezbollah and the FARC, President Chávez has closely aligned himself with Cuba and Iran, both of which are already on the State Sponsors of Terrorism List.

Venezuela's financial support for state sponsors of terrorism is evident by Chávez's extensive support of the Castro regime in Cuba, which is calculated to amount to $1 billion a year. To what extent does Venezuelan assistance to the Cuban regime facilitate the regime's ongoing repression of the pro-democracy movement and forestall a transition to democracy in Cuba? How deeply are Cuban advisors involved in the intelligence and security apparatus of the Venezuelan government?

What is your assessment of the role of long-term Castro confidant Ramiro Valdez as a special advisor to the government of Venezuela and the impact it will have on pro-democracy leaders and movements in Venezuela? What role, if any, did Valdez play in the recent purge of over 100 Venezuelan military officers?

With respect to Iran, President Chávez has repeatedly expressed support for that country's covert nuclear program and announced in September 2009 a plan for the construction of a ''nuclear village'' in Venezuela with Iranian assistance.

In your judgment, to what extent is Venezuela supporting Iran's covert nuclear enrichment program development? What is the current state of Venezuela's nuclear program, and to what extent is Iran providing nuclear knowhow to Venezuela? Under the present conditions, does Venezuelan-Iranian nuclear cooperation violate the Nuclear Non-Proliferation Treaty and United Nations International Atomic Energy Agency protocols?

We have seen reports of suspicious Venezuelan-Iranian companies sprouting in remote areas of Venezuela, including the VenIran ''tractor factory.'' In December 2008, Turkish customs inspectors intercepted 22 shipping containers bound for VenIran that were labeled ''tractor parts'' but instead contained an ''explosives lab'' and chemicals that could be used to manufacture explosives. What is your assessment of the activities carried out by VenIran? Is it possible that its facilities are a front for illicit, possibly even nuclear, technology-related activities?

Congress is close to authorizing a comprehensive set of sanctions aimed at restricting Iranian access to refined fuels in a bid to stop Iran from acquiring nuclear weapons. At the same time, Iran has a growing financial presence in Venezuela, and President Chávez has pledged to provide Iran with 20,000 barrels of gasoline per day.

To what extent are Venezuela's financial institutions assisting the Iranian nuclear enrichment program? Are you concerned about the activities of the Venezuelan Banco Internacional de Desarrollo and the Banco Binacional Irani-Venezolano? To what extent could Venezuela's financial institutions and energy resources help Iran undermine bilateral or international sanctions designed to stop its covert nuclear program?

The 2008 Country Report on Terrorism confirmed that Iran and Venezuela continued weekly flights connecting Tehran, Syria, and Caracas and that passengers on these flights were only subject to ''cursory immigration and customs controls.'' What is the U.S. government's understanding of the number of passengers and nature of their travel as well as the type of cargo transported on these flights? Is the Administration concerned that these flights are being used for nefarious purposes?

On April 21, the Secretary of Defense issued a report regarding the current and future military strategy of Iran. The report states that Iran's Islamic Revolutionary Guard Corps-Qods Force maintains worldwide operational capabilities and that ''recent years have witnessed an increased presence in Latin America, particularly Venezuela.''

What threat does the Islamic Revolutionary Guard Corps-Qods Force presence in Venezuela pose to the United States and our interests in Latin America? What if any measures is the Administration taking to verify the extent of terrorism activities in Venezuelan territory? How is the Administration ensuring that all appropriate branches of the U.S. government are aware of these key findings?

IMPLICATIONS OF ADDING VENEZUELA TO THE STATE SPONSORS OF TERRORISM LIST

The State Department currently designates four nations—Syria, Cuba, Sudan, and Iran—as state sponsors of terrorism. These countries provide ideological support and material assistance to terrorist groups. Once you consider the evidence behind Venezuela's substantial ties with U.S.-designated terrorist organizations and state sponsors of terrorism, we would like to know the strategic implications of designating Venezuela a state sponsor of terrorism. We would also like to know the implications for the integrity of this list if Venezuela continues to evade designation.

Looking into the future—and short of designating Venezuela a 'State Sponsor of Terrorism'—what other concrete measures are available to curb President Chávez' threatening ties with terrorist groups and state sponsors of terrorism? Under what conditions would the Administration apply such measures? Does the U.S. government have a contingency plan to respond to a sudden and prolonged unavailability of Venezuelan oil exports to the United States?

Given that Chávez is expected to receive a $20 billion loan from the Chinese Government and his government has just signed yet another multi-billion dollar arms deal with Russia for weapons that far exceed any rational analysis of Venezuela's national defense requirements—it is clear that this is the time to revisit our polices within the region. We encourage you to work with all appropriate federal agencies in obtaining thorough answers to these questions. We look forward to further discussions about what steps the Administration plans to take in order to address these disturbing developments within our hemisphere.

Sincerely,
John Ensign,
George S. LEMIEUX,
James M. Inhofe,
Jon Kyl,
John McCain,
James E. Risch,
Roger F. Wicker,
Sam Brownback,
Jim Bunning,
Scott Brown,
Robert F. Bennett,
John Cornyn.

Mr. LEMIEUX. We hope to receive a response from the Department of State. I know firsthand that Secretary Clinton is focused on Latin America. I have spoken to her on several occasions. I know she knows we need to do a better job promoting democracy in Latin America. She shares that concern. We have had those conversations.

For too long, Latin America has been neglected by the United States in our diplomatic relations. For a variety of reasons, some of them with good merit, we have been focusing to the east. But we cannot neglect our friends in Central and South America. We cannot neglect our friends in Colombia, for example, or in Panama. That is why I have come to the floor on several occasions and called for the ratification of the free-trade agreements between our country and those countries that only makes sense. It not only makes sense for jobs and commerce, but it also makes sense in terms of our good relations with our friends in the region. No better friend do we have than in Colombia, right next door to this very concerning state of Venezuela.

The reason I come to the floor specifically today is that when we sent this letter on May 25, we expected to receive a response. Yet just last Friday, Assistant Secretary Arturo Valenzuela, Assistant Secretary of State for Western Hemisphere Affairs, was asked about this letter because there was an upcoming trip by the Secretary of State to South America.

Secretary Valenzuela was asked why Secretary Clinton was not going to Venezuela, and he explained. Then the question of this letter came up, and his response was:

> Oh, I don't—because I was traveling, I don't know anything about that letter, so I'd have to find out.

Now, I know they get a lot of letters over at the Department of State, but this letter is signed by 12 Senators. It has been widely covered in the media. It was relevant enough that someone would ask the question at a press conference. Yet Mr. Valenzuela, through some oversight, was unaware of the letter.

I look forward to getting a response from Secretary Clinton and Assistant Secretary Valenzuela to this letter. There is a gathering storm in Venezuela. As much as we have to look across the ocean to our fears about Iran, their development of nuclear weapons and what they are going to do with those nuclear weapons, there is a concern to our south, very close to our shores in Venezuela, and a dangerous combination which is occurring between Iran and Venezuela, Ahmadinejad and Hugo Chavez.

If we do not stay focused on it, mark my words, 3, 5 years from now we are going to be seeing all the same developments in Venezuela we have seen in Iran. We are going to see them starting to develop a nuclear presence for ''peaceful'' purposes. They are going to be playing from the same playbook Ahmadinejad has played from in Iran.

We have to take aggressive measures against Iran. I have called, as many Senators have, for this administration to get to work in a more expeditious way to impose those sanctions—meaningful, hard sanctions on Iran to stop

their nuclear program. We are reading in the newspaper today about Iran—all the circuitous efforts it takes to reflag ships, rename ships so they can get weapons back into Iran and avoid our sanctions. We have to crack down on that. That is the diplomatic and foreign affairs problem of today. But the diplomatic and foreign affairs problem of tomorrow is Venezuela, and steps should be taken right now to work ahead of that problem so that 3 to 5 years from now we are not having all the same troubles with Venezuela that we are now having with Iran. Yet they are far closer to the United States than Iran is.

So we sent this letter, and we look forward to the response. There are a lot of ramifications of declaring a country a state sponsor of terror. I am not asking that be done today. But I am asking it be seriously evaluated. That is why Senator ENSIGN and myself, along with 10 other of our colleagues, sent this letter, and we would like to hear a response. We would like it to be taken seriously. We would like this administration to focus on Venezuela before it is a problem that gets ahead of us, before it is a problem we do not have enough time to address in a proactive and thoughtful manner.

Little problems become big problems. This problem is already beyond being little. Let's get on top of it. Let's evaluate it. We hope we get a response to this letter as soon as possible, from the Secretary of State and the Assistant Secretary of State for Western Hemisphere Affairs.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF COAST OILSPILL

Mr. DORGAN. Mr. President, I wish to say a few words about the oilspill in the gulf and what has or has not been happening recently. I don't think there is an American citizen who can really avoid seeing on television or hearing on the radio or reading in the newspapers about the devastating consequences of the oilspill in the Gulf of Mexico.

The fact is, we have drilled for oil and have been producing oil in the gulf for a long time, dating back to the 1940s. I believe something like 50,000 wells have been dug offshore. So it is not a surprise that there has been oil development offshore in this country, and we have achieved drilling a fair amount of oil for the needs of this country. But it is also the case that deep well drilling—in this case, a well that is drilled into the ocean floor a full mile below the surface of the water and then down another 30,000 feet below that—is a very different situation.

It is also now clear that this company, the company that was engaged in drilling this well, did not have the wherewithal, the technical capability to decide: If something disastrous happens, we should be able to shut down the gusher of oil. I would have thought and would have expected that the company would have covered the worst possible circumstances. What if the worst thing happens? Do we have the capability to address it? The answer at this point is no.

This is the 50th day in which oil has been gushing out into the Gulf of Mexico from this oil rig blowup. It is pretty clear to everybody that, after trying a series of different things, the BP Corporation does not know how to address this gusher of oil into the gulf.

I was reading this morning another news story about this.

I confess to my colleagues that I don't live on the gulf. I am not from one of those States. They would, perhaps, know much more about it than I would. But most of us in this country are learning from the investigations that are being done, and we are learning more and more about not only what has happened, but what the consequences are.

The story this morning: ''Rate of Oil Leak, Still Not Clear . . . '' So 50 days later, we don't understand how much is coming out of the faucet, how much is spilling from this gusher into the Gulf of Mexico.

It is difficult or almost impossible to measure what has been the effect in recent days of some amount of containment that has been successful. We know they are not containing all of the oil, but they are gathering some of the oil. The question is, What amount? What percentage of the oil that is gushing into the gulf is being contained?

One of the things that bothered me a fair amount is I am quoting now from a New York Times piece:

> On Sunday, engineers halted their efforts to close all four vents on the capping device, because even with one vent closed, the amount of oil being captured was approaching 15,000 barrels a day, the processing capacity of the collection ship on the surface.

If you are going to be able to collect more oil, why would you not have enough ships on the surface to be able to allow you to close more of those vents and to capture more oil and have the requisite number of ships on the surface to deal with it? I don't understand that at all. But it seems to me that every time we read something new about this, it is that somebody didn't plan properly to try to address this issue.

The story goes on to say:

> Some scientists involved in the Flow Rate Technical Group say they would like to produce a better estimate, but they are frustrated by what they view as stonewalling on BP's part, including tardiness in producing high-resolution video that could be subjected to computer analysis, as well as the company's reluctance to produce a direct measurement of the flow rate.

Continuing to quote:

> They said the installation of the new device and the rising flow of oil to the surface had only reinforced their conviction they did not have enough information.

A Dr. Leifer said:

> It's apparent that BP is playing games with us, presumably under the advice of their legal team. It's six weeks that it's been dumping into the gulf, and still no measurements.

Again, that is a direct quote from Dr. Leifer in this article.

All of us understand that the consequences of this are devastating. We stand here and debate and talk and we go to hearings, yet there are people at the end of a dock in some small town who look out, and all of those fishing boats are idle, sitting at the dock, because it has destroyed the fishing in that area. The shrimpers who would normally be out dealing with the shrimp beds, their boats are idle, their nets are idle. Those are people who are losing money every day, the people who can't make a monthly payment on their boat that is sitting on the dock because they can't go out because their fishing industry is gone. Those people have to make payments at the end of the month. The person with the cafe or the restaurant on the dock that has very few people visiting these days is losing money hand over fist. You could go on and on about the consequences of what this has meant to the gulf—to the families, to small businesses, to the fishing industry, the shrimpers, and so on.

So it seems to me it is time now, after 50 days, to ask a couple of other questions, and I am going to make a suggestion. I asked at a hearing recently whether the BP commitment, which says: We will pay or reimburse for all ''legitimate'' costs—I asked the Justice Department in a hearing: Is this pledge by BP a binding commitment? Does it bind anybody? The answer by the Justice department representative is that, no, it is not binding. It is a pledge.

I think that is certainly better than not having a pledge—to have a company whose rig has caused this gusher of oil, this unbelievable spill into the Gulf of Mexico—if that company makes a pledge, it is better than having a company walk away. On the other hand, a pledge without a binding commitment doesn't mean very much.

What I suggest at this point is that we, after 50 days, decide to go beyond that pledge. I have seen people interviewed who have said: we have submitted to BP what is happening to our small business, our families, and our boats, and haven't gotten a response, or we got turned down, or this or that. It seems that we ought to understand the consequences of this, and the depth of the costs is going to require something very different.

What I propose is the following: I think on this 50th day of the spill, what I believe should happen is that the Justice Department should go to BP and

say: Let us formalize an agreement in which you put the first $10 billion from BP into a gulf coast recovery program. That gulf coast recovery fund would be available and would be run by two interests. One would be a special master who would represent the public interest, and the second would be a counselor who would represent BP's interest, and they would jointly manage the $10 billion gulf coast recovery funds—and it may need much more than that. At least the first step is that you have $10 billion in a fund, and you have some public interest that is now involved in making judgments. Look, BP has its own interests at heart. I don't doubt that it wants this gusher stopped. I understand that. I don't doubt at all that BP wants to minimize the damage. I am not suggesting otherwise.

I am suggesting this: When presented with a range of alternatives, or of opportunities, or of actions, that a company will have to act in its best interest. That is the requirement for its shareholders. That may well not be in tandem or may not travel parallel with what is in the public's interest. That is why I think that it is now time to say to BP that you have made a pledge; is the pledge binding? Does it have real money behind it?

We read and see that they have spent $1.5 billion at this point. This is a company that made $150 billion in net profit in 10 years. That is $15 billion a year. Again, what I suggest is a $10 billion payment into a gulf coast recovery fund, which the company would have a part in the management of, and a special master representing the public interest would have the management of, and that we proceed from there and determine how much more is required.

Perhaps if the $10 billion is not all required, the company gets reimbursed. My own expectation is that the cost of this spill will far exceed the $10 billion when it is all done. This is going to last for years. We know that. This is not something that will be resolved in the next 6 months. I am talking now about the costs. Let us hope that finally, at long last, this spill, this gusher, gets shut down. But when that happens, there is so much more to do to try to understand what this means to the families who made their living on that coast. What does it mean to them? How do we go forward and recover? With what? That is why I think this gulf coast recovery fund, with BP's money and a special master involved in at least bringing the public interest into the discussion about what kind of outlays from that fund are made and to whom and for what purposes, is critical.

I am going to write to the Justice Department today suggesting that this is an approach that should be taken. Look, if BP is approached and BP says, you know what, we don't intend to put money into a fund, that tells us a little something, doesn't it? Is the money going to be there, or isn't it? That is a partial answer to that. If the company says we don't intend to put money into a gulf coast recovery fund—if that is the case, then we have legislation on the floor with which we could address that issue. There are ways to address this with fees and other applications to the company that caused this damage. Better, it seems to me, to take the company at its word when it pledges that it will reimburse legitimate costs; but also say to them, as a result of that pledge, let's now make it binding and let's begin to put together this gulf coast recovery fund that represents a binding commitment from the company.

If the company ultimately doesn't pay these costs, we know what would happen. It will go on the backs of the American taxpayer. That is not a fair way to resolve this, and it is not acceptable. It is a very large company. It has made a substantial amount of money. It made $6 billion, as reported, in the first quarter of this year alone. Surely a $10 billion initial commitment into a gulf coast recovery fund is not too much to ask, to begin the construction of a fund that would merge both the public interest, which is important, with the private interest of BP, to make sure the funding is not only made available but that it is used in a way that addresses the significant costs that have been visited upon the people who live and work in that region.

I know there are many ideas that are being kicked around in the Congress and elsewhere to try to address a wide range of issues. Many of them have great merit. It seems to me that we need to do something for the family this morning who is wondering whether it is going to survive, whether its business can survive, whether it can make its boat payment on the fishing boat at the end of the month when there are no fish to catch. When the restaurant pulls the shades because it has no customers and it is right near the dock—all these folks, and so many others, who have lost their jobs and who confront this questions of: What about us? What are we going to do? Will there be recovery for us, for my family, and for our small town?

I think the best way for us to address this is to say let's make sure the pledge made by BP becomes a binding one. I think that can be done without legislation. It can be done by this administration and the Justice Department reaching out and signing an agreement creating such a fund, creating a special master with BP, having BP deposit the money so it could begin a robust, significant, and real recovery fund. If this company says that is not their intent, that they don't intend to do that, or they are not interested in doing that, then it seems to me a binding requirement is one we should take up here on the floor of the Senate, and very quickly. There are plenty of ways—and I will not go into them now—for us to address the question of whether the company that caused this spill, this gusher of oil, which is certainly the most significant disaster in the gulf in the last century and perhaps more—if the company that caused that—whose rig caused that, says we don't intend to be a part of something like this, then there are approaches we can use here in the Senate to make that company responsible for it in a binding way.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4303 TO AMENDMENT NO. 4301

(Purpose: To establish 3 year discretionary spending caps)

Mr. SESSIONS. Mr. President, I call up the amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mrs. MCCASKILL, proposes an amendment numbered 4303 to amendment 4301.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. SESSIONS. Mr. President, Senator MCCASKILL and I are again offering this amendment that would place a cap on discretionary spending in which we participate in every day but that tends to violate the budget.

Our budget is a critically important component of our financial management. I have been a member of the Budget Committee for a number of years, and it is very frustrating to see how it has gotten around the budget. The legislation that is before us is just another example of violating the budget in ways that are not responsible. For example, the unemployment compensation and the payments to physicians are not emergencies. They are just not. Any responsible household, any responsible city, county, or State government knows that. When those leaders deal with financial crises, they have to figure out how to handle them.

What we are doing with this legislation before us is borrowing money to pay a fundamental obligation of the United States of America, which is to pay doctors an adequate wage for doing Medicare work. They are already paid less for Medicare than private insurance pays them for doing the very same procedures, but we have another shortfall here. If Congress does not pass legislation, physicians will take a 21-percent cut in the amount of money they are paid. That cannot work because our physicians are already, in

many cases, losing money on Medicare treatment of our seniors. They cannot take a 21-percent cut. They will quit doing the work. This is not a matter of debate. It will collapse the Medicare system. We need to do this, but that is the kind of expenditure that is fundamental. It is part of the obligation we have had for many years to pay physicians to do Medicare work. They do not do it for nothing. It ought not to be paid for by borrowing the money on top of all the debt we are now running up in this country.

Our national debt just hit $13 trillion. We will, in 5 years—now 4—double the national debt, and in 10 years we will triple the national debt. Why? Because we are taking items that are baseline requirements of this government and miraculously converting them to emergencies and then breaking the budget. If anybody objects, such as Senator BUNNING did on behalf of his 40-some-odd grandchildren, he is attacked as being against physicians or against the unemployed. Senator COBURN has raised these issues. I support both of them. They are both right.

If the American people understood how irresponsibly we are managing their money, they would be even more upset with us than they already are. The American people are right to be upset with us. We are converting fundamental governmental obligations to emergency spending. Why? Because we do not have to pay for it; we can just borrow it. That is not right.

Senator MCCASKILL, my Democratic colleague, is concerned about these issues. We have worked together to offer this amendment that would make it harder to violate the budget caps, to make it more difficult and to help us to be more responsible in our spending. Quite a number of my Democratic colleagues joined with us in this amendment and voted for it. Fifty-nine Senators voted for it on one of our previous votes. We were one short of what is necessary to make it law—just one vote short.

We are offering this amendment again. We have taken quite a number of steps to make this legislation palatable and to respond to concerns that some have raised, such as, would it impact the military? No. Would it impact legitimate emergency spending? No.

We have done some things that some may believe weaken the amendment a bit, but it still adds some real strength to it and real value. This kind of budget cap legislation is what allowed us to balance the budget in the late 1990s. I know President Clinton has touted that he balanced the budget. If I recall, Congress—which appropriates every dollar that is spent—shut the government down at one point to try to contain President Clinton's proposed spending, and succeeded in doing so. That eventually led to a balanced budget. The legislation that was in effect at that time, which was very similar to this proposal, expired, and this is one reason spending has surged.

I thank the Chair for the opportunity to offer this amendment. We will talk on it again later. I hope that we can enact these provisions into law and that we will get that one extra vote necessary to make a real bipartisan statement. We had bipartisan support for this amendment last time, and it would make a real bipartisan statement to the whole financial world that we are beginning to take seriously our responsibility to reduce this surging deficit. Only then will we begin to see the kind of stability in our economic markets that we must have.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, today, our body starts debate on expiring tax and health provisions. Around this Capitol building, the nickname of these items is called extenders. I wish to make a couple of points on the process before I get into the substance of the substitute. My first point will reflect on how much the Democratic leadership has avoided a simpler, clearer, bipartisan approach. My second point will consider all of the other time-sensitive, unfinished tax legislation that appears to be abandoned with only a few weeks left in this session.

My first point deals with a conscious decision to use a partisan process for bipartisan issues. What I find surprising is that we are taking up a package that, like the HIRE Act jobs bill of a few weeks ago, absolutely belongs to the bicameral House and Senate Democratic leadership. It was negotiated between House and Senate Democratic leaders, with some input from their tax-writing committees and staff. These discussions occurred entirely behind closed doors. As far as I know, it was a Democrats-only discussion. It is not a conference agreement, where things are worked out in a sophisticated conference committee made up of people from the House and Senate.

Then, in addition, at the very last minute, the compromise took on the properties of an amoeba. In that amoeba fashion, the House Rules Committee split the bill into two pieces, one dealing with the so-called Medicare doctor fix and the rest of the bill dealing with the balance of that package. Then, under the magic of the House Rules Committee, this amoeba-like bill was reconstituted into one legislative product, and that is the underlying bill Leader REID has brought before the Senate this very day.

I am relieved to see that it appears the Senate will process extenders in a way that is different from the way the HIRE Act jobs bill was handled. It looks as though we Senators will have a chance to represent our constituents and shape this bill, because Leader REID has not filled the amendment tree or filed cloture at the start of debate. That is a real relief around this body, where amendment trees have been filled and cloture has been filed.

Back home, folks wonder why it is taking Congress so long to deal with these routine extenders. As an example: As I left church Sunday in Cedar Falls, IA, a person who has investment in a biodiesel plant wants to know when we are going to pass the biodiesel tax credit bill. Most of the tax provisions expired almost a half a year ago, on December 31, 2009. Folks are angry that Congress seems to be dithering, among other things, on the 71 tax provisions. In my State, it is a biodiesel tax credit that always comes up, but people are wondering about the dithering generally. And, of course, we even have physicians across the country being frustrated that this Congress has allowed a 21-percent cut in payments to go into effect again this year. Payment cuts of this magnitude severely impact physicians and health care providers and practitioners throughout the country, and they significantly threaten beneficiary access to care.

Medicare beneficiaries' access to physicians and other needed medical care has been jeopardized this year as never before because Senate Democratic leadership has once again failed to pass an essential physician update in a timely manner. We could have wrapped up this time-sensitive legislative business 4 months ago. We could have taken up a bipartisan package that I put together with my friend, Finance Committee Chairman BAUCUS of Montana. To be sure, some of the structure in this package reflects the agreement that my friend and I reached. But this package, in terms of the impact on the deficit, is likely several times the size of the package we agreed upon. Virtually all of the additional cost is due to proposals I would not have agreed to in representing my Republican Conference.

I was under the impression that the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leadership was highly involved in the development of a bipartisan bill, they arbitrarily decided to replace it with a bill that skews toward their liberal wing. That is why we are where we are this very day. There is a liberal agenda that exalts open-ended deficit hiking, spending, and tax increases, and doing it above everything else. Angry vocal members with that view seem to have dominated the decisionmaking of the Democratic leadership in resolving routine items.

The actions in the House a couple of weeks ago go on to further prove my point. The Senate Republican leaders backed the Baucus-Grassley compromise of last February. To them, it seemed to be a balanced package. It was largely offset, it was leaner than most Democrats wanted, but it was thicker than most Republicans wanted. Republicans preferred a fully offset package using spending cuts; Democrats resisted most spending cut offsets

and wanted many multiples of the level of spending with which Republicans were comfortable. So it is ideal, because this is the way it works most of the time between Senator BAUCUS and me.

The Baucus-Grassley compromise was a genuine middle ground. But for the liberal core of the Democratic caucus, it was their way or the highway. Leader REID responded to that pressure and scuttled the Baucus-Grassley compromise. Ironically, almost 4 months later, it looks as though the Democratic caucus is moving closer to the structure of the Baucus-Grassley compromise of last February.

The Senate Republican Conference, seeing the alarming growth in deficits and debt in the intervening 4 months, will press hard for a fully offset package. For those in my conference, several fiscal events—and these all occurring in the intervening 4 months since the Baucus-Grassley bill was scuttled—have been compelling on my side of the aisle viewing this legislation a little bit differently.

The first event is the second opinions we are receiving on the fiscal impact of the health care bill. The Congressional Budget Office has revised the official spending upward.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the CBO's May 11 letter to Congressman JERRY LEWIS. The letter is accompanied by two tables that identify explicit authorizations of discretionary funding. These tables are available along with the full text of the letter on the CBO's website at www.cbo.gov.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2010.

Hon. JERRY LEWIS,
Ranking Member, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CONGRESSMAN: As you requested, the Congressional Budget Office is providing additional information about the potential effects of H.R. 3590, the Patient Protection and Affordable Care Act (PPACA, Public Law 111–148), on discretionary spending. The following analysis updates and expands upon the analysis of potential discretionary spending under PPACA that CBO provided on March 13, 2010. In particular, it provides an update of the earlier tally of specified authorization amounts, as well as a list of programs or activities for which no specific funding levels are identified in the legislation but for which the act authorizes the appropriation of ''such sums as may be necessary.''

Potential discretionary costs under PPACA arise from the effects of the legislation on a variety of federal programs and agencies. The law establishes a number of new programs and activities, as well as authorizing new funding for existing programs. By their nature, however, all such potential effects on discretionary spending are subject to future appropriation actions, which could result in greater or smaller costs than the sums authorized by the legislation. Moreover, in many cases, the law authorizes future appropriations but does not specify a particular amount.

CBO does not have a comprehensive estimate of all of the potential discretionary costs associated with PPACA, but we can provide information on the major components of such costs. Those discretionary costs fall into three general categories:

The costs that will be incurred by federal agencies to implement the new policies established by PPACA, such as administrative expenses for the Department of Health and Human Services (HHS) and the Internal Revenue Service for carrying out key requirements of the legislation.

Explicit authorizations for a variety of grant and other program spending for which specified funding levels for one or more years are provided in the act. (Such cases include provisions where a specified funding level is authorized for an initial year along with the authorization of such sums as may be necessary for continued funding in subsequent years.)

Explicit authorizations for a variety of grant and other program spending for which no specific funding levels are identified in the legislation. That type of provision generally includes legislative language that authorizes the appropriation of ''such sums as may be necessary,'' often for a particular period of time.

CBO estimates that total authorized costs in the first two categories probably exceed $115 billion over the 2010–2019 period, as detailed below. We do not have an estimate of the potential costs of authorizations in the third category.

Implementation Costs for Federal Agencies—The administrative and other costs for federal agencies to implement the act's provisions will be funded through the appropriations process; sufficient discretionary funding will be essential to implement this legislation in the time frame called for. Major costs for such implementation activities will include:

Costs to the Internal Revenue Service (IRS) of implementing the eligibility determination, documentation, and verification processes for premium and cost-sharing credits. CBO expects that those costs will probably total between $5 billion and $10 billion over 10 years.

Costs to HHS, especially the Centers for Medicare and Medicaid Services, and the Office of Personnel Management for implementing the changes in Medicare, Medicaid, and the Children's Health Insurance Program, as well as certain reforms to the private insurance market. CBO expects that those costs will probably total at least $5 billion to $10 billion over 10 years.

Explicit Authorizations of Discretionary Funding—Explicit authorizations are identified in Tables 1 and 2. Table 1 presents a list of items for which PPACA specifies the authorized amount of funding for at least one year. It also includes items for which initial specified funding levels existed under prior law but for which PPACA extends the authority for continued spending. The specified and estimated amounts shown in Table 1 total about $105 billion over the 2010–2019 period.

Table 1 differs from CBO's table of specified authorizations provided on March 13, 2010, in the following ways:

Certain provisions that extend (existing) authorizations with a specified level have been added. (In the previous version of that table, only new authorizations were included.) Also, provisions that provide mandatory grants for 2010 but authorize future spending of such sums as necessary (subject to appropriation) have been included. Those provisions are noted in the updated table.

Table 1 includes an estimate of the cost of section 10221 of PPACA, which incorporates the provisions of S. 1790, the Indian Health Care Improvement Reauthorization and Extension Act by reference. (CBO had not completed an estimate of the Indian health provisions for the March 13 version of the authorization table.) Those provisions authorize the appropriation of such sums as are necessary for the Indian Health Service (IHS) for carrying out responsibilities broadly similar to those in law prior to enactment of PPACA. As a result, the amounts included in Table 1 reflect recent appropriations for those IHS programs, with adjustments for anticipated inflation in later years.

Table 1 also includes a few corrections to the table provided on March 13. For example, section 5207, which authorizes funding for the National Health Service Corps, was inadvertently left off the March 13 table but is included in Table 1.

Table 2 presents a list of new activities for which PPACA includes only a broad authorization for the appropriation of ''such sums as may be necessary.'' For those activities, the lack of guidance in the legislation about how new activities should be conducted means that, in many cases, CBO does not have a sufficient basis for estimating what the ''necessary'' amounts might be over the 2010–2020 period.

Although Tables 1 and 2 provide more information about the discretionary costs associated with PPACA, they do not represent all of the potential budgetary implications of changes to existing discretionary programs—including both potential increases and decreases relative to recent appropriations. Some of those changes could affect spending under existing authorizations or may lead the Congress to consider making changes—up or down—in the funding for existing programs. Moreover, some of the potential new costs for individual provisions of the legislation may be covered by the broad estimate of $5 billion to $10 billion for administrative costs to HHS.

I hope you find this information useful. If you have any questions about this updated analysis of PPACA's implications for future discretionary appropriations, please contact me or CBO staff. The primary staff contacts for this analysis are Jean Hearne and Julie Lee.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Mr. GRASSLEY. That letter documents CBO's projections that health reform will result in at least $115 billion in additional spending beyond what was previously included in the total of last March.

In addition, Douglas Elmendorf, Director of the Congressional Budget Office, recently indicated that the landmark health care reform bill would not accomplish its primary fiscal objective of reducing Federal health expenditures.

Dr. Elmendorf made this point in a presentation to the Institute of Medicine on May 26, of this year. The presentation is titled ''Health Costs and the Federal Budget'' and is available on the CBO website as well.

The second event is the record buildup of public debt. Last week, the Federal public debt passed $13 trillion. On that monstrous number, $1 trillion was added in the last year all by itself.

The third event is the continuous mounting of the cost of the stimulus bill. Recent Congressional Budget Office scoring shows that policy, instead

of being roughly $800 billion, is now exceeding $1 trillion.

The fourth event is the fiscal troubles in the country of Greece. Too much spending and public debt has put Greek public finance in a state of distress.

The fifth event is the troubling developments in States with large open-ended social spending programs and already very high income taxes. The people who send us here are also reading these reports and they are rightfully worried about these fiscal troubles. They are sending one message to Washington, and it is as clear as any bell. They are saying: Reverse course on deficits and debt. They say we in Congress ought to restrain ourselves and our policies; pull back on extra spending. Republicans heard that message a while ago, and it looks to me as though Democrats are hearing the same thing.

To sum up at this point, on the first point I have been speaking about—on process—the Democratic leadership, by avoiding a genuine bipartisan compromise, is continuing to take a very long path to resolving this overdue unfinished business. The bipartisan path to succeed was set forth almost 4 months ago—early February—and that was the Baucus-Grassley compromise.

Unfortunately, the tax offsets—largely noncontroversial—were lifted from that compromise and used for something totally unrelated, but to cover the bloated spending in the health care bill. To retain the spirit of that compromise, those offsets would need to be replaced by restraints on spending. Republicans, in our alternative, will show the way to achieve those savings.

As has been the case for the last year and a half, those who pay income tax and those who receive government checks aren't treated similarly.

Even with those revisions, keep in mind on net, the taxpayer is paying at least $40 billion more in this bill. Spending constituents receive almost $100 billion in new spending.

My second process point goes to time-sensitive legislative business that is yet unfinished in terms of revenue and taxpayers affected. The other unfinished tax legislative business dwarfs the measures in this bill now before the Senate.

There are three major policy areas that need to be addressed. I do not know when they are going to be addressed. These three issues are the death tax, the current alternative minimum tax fix—that is an annual process we go through—and, three, the bipartisan 2001 and 2003 tax relief plans. So I want to go into these in some detail.

I have a chart that shows the status of these three policy issues. Let's start with the death tax, or the estate tax, whatever you want to call it. Since the first of the year there has been no death tax. If you died, up to this point, presumably, your estate is going to be tax free. At the end of this year, the death tax then reappears, and not in a very friendly way.

After failing to act for almost 3 years in the majority, the House Democratic leadership put a death tax reform measure before the House last year at the same time it should have been discussed in the Senate. But the Senate has not acted on the House bill.

I might suggest to you that we had to act on that health care bill because it takes effect in 2014, but tax extenders and the estate tax that had to be settled in December were not even discussed.

In Iowa I can tell you that confusion and the anxiety over the uncertain state of the death tax comes up in my town meetings all the time. I would be surprised if other Senators are not hearing the same thing. I got a letter signed by 750 lawyers and accountants in my State saying: How do we advise our clients? What is the estate tax going to be for the future?

It is not a case of just what the tax law is, it is the case of millions of people wanting to plan estates and cannot do it. I refer again to my friend, Chairman BAUCUS, who was working on a compromise proposal with Senators LINCOLN, KYL, and myself.

Unfortunately, the liberal core of the Senate Democratic caucus seems to prefer no action at all. My friend, the junior Senator from Vermont, has been transparent about his desire to leave the law as it is; in other words, next year only have a million-dollar exemption.

Others feel just as strongly, but perhaps are not as transparent as the junior Senator from Vermont. In any event, the effect of failing to reform current law will be to raise the number of people hit by the death tax by a factor of 10 times. What I am saying is, stalling out a bipartisan reform, which seems to be the liberal core's objective, will likely mean 10 times as many family farmers and small businesses will be hit with the death tax. A reform like the one envisioned by Senators LINCOLN and KYL will mean only the richest 10 percent of dead peoples' estate will face the death tax.

Now I would like to turn to a second major area of unfinished business; that is, the alternative minimum tax fix. This is one of those yearly or biannual things the Congress goes through so that middle-class Americans will not pay a tax that was meant just for the very wealthy. So we are talking about this year's tax fix already.

The law says 30 million Americans, or maybe more accurately 24 million Americans, ought to be paying this income tax right now. The trouble is they do not file until next year, so it gives us a chance to do something about it. But for those filing quarterly, if they are not taking that into consideration they are violating the law.

In the next week, on June 15, the second installment of this year's estimated income tax is due. Last year, 24 million middle-income families were spared from the unfair hit of the alternative minimum tax. The fix meant $2,300 per family. This year those figures are going to go up.

If the law is not changed, all those families will have to pay at least $2,300 more per family. In my State of Iowa, it means at least 124,000 middle-income families will be paying additional income tax that was only meant for the very wealthy.

No bill has been marked up or passed in the House that deals with this problem. Under current law, some of these millions of families should be paying estimated tax next week, June 15.

Finally, let's take a look at the third major area of unfinished tax business. Here we have a chart, and I am referring to the widely applicable rate cuts in family tax relief from the 2001 and 2003 bipartisan tax relief plans.

Virtually every American who pays income tax, and millions more who do not under current law, will have a higher tax bill if we do not extend the 2001 and 2003 bipartisan tax relief bills. For years I have referred to the sunset of these plans as a tax wall. Middle-income families will run right into a very firm wall of tax increases.

For a family of four with an income of $50,000, that tax wall is $2,300. For a single mom with two kids earning $30,000, that tax wall is $1,100. No bill has been marked up or passed in the House that deals with this problem.

You may hear some on the other side say: Too bad about the sunset. They argue that the bipartisan group wrote the tax relief plans with a sunset. The sunset, therefore, is the responsibility of the bipartisan authors of these plans.

If that argument is advanced by members of the current majority, keeping in mind they have had control of Congress for 3½ years, I wait for that as an opportunity to quickly respond. My response will be to provide a citation of all of the filibusters led by the Democratic leadership on Republican attempts to make all three of these areas of bipartisan tax relief permanent law.

The bill before us has very timely and important measures. In nearly all instances, the expiring tax provisions are treated the same way as they were treated under the Baucus-Grassley agreement of almost 4 months ago, going back to early February.

I thank my friend, the chairman of the committee, Senator BAUCUS, and the Democratic leadership for holding on to those pieces of the Baucus-Grassley agreement. Especially important is an extension of the biodiesel tax credit because we have thousands of workers—and I have seen the figure of 23,000—who have been idled throughout 44 States of the United States as they have shut down the plants.

So if you really want a jobs bill, reinstate the biodiesel tax credit and you will put thousands of workers in Iowa back to work, and about 23,000 nationally.

Likewise, Iowa companies, such as Rockwell Collins in Cedar Rapids, IA,

have taken charges to earnings as the research and development credit has lapsed. Unfortunately, there are some notable deviations from the Baucus-Grassley agreement of last February. Two pieces of the Midwestern disaster relief package were dropped from the Baucus-Grassley agreement in the Senate bill. The alternative fuels credit was altered to remove coal-to-liquids and other promising cutting edge technologies.

The bill before us actually also leaves out some very important provisions of rural health care. These rural health care provisions where included in the Baucus-Grassley agreement of last February but have since been dropped by the Democratic leadership.

Here again we will have a Republican alternative that will show the way on including these important items and having them offset; in other words, they will be paid for. These important rural health care provisions would keep ambulances running in rural areas and improve Medicare payments for both urban and rural hospitals so they are able to keep their doors open.

There is also an important provision left off the bill that ensures that physicians in rural areas are paid fairly relative to urban States.

Is that such a hard thing to figure, that if you are under Medicare, a national program, you ought to be treated the same in rural areas as urban America?

The bill before us also fails to protect beneficiaries from having their physical and occupational therapy cut off. It also fails to extend the add-on payment for Medicare mental health services furnished by psychologists and mental health counselors.

This add-on has been critical in improving access to mental health care services for Medicare beneficiaries and even military personnel suffering from stress and other mental health issues. Again, the Republican alternative will afford these protections and offset the costs; in other words, it will be paid for.

The bill before us also fails to extend the Q-I program, which provides assistance to low-income beneficiaries. The Q-I program covers the Part B premium and out-of-pocket costs for seniors. Without it, many low-income seniors will be forced to decide between getting needed medical care and basic necessities such as food.

The bill before us misses the opportunity to fix the incredibly short-sighted policy in the health reform bill that created a Medicaid payment cliff for primary care providers.

Have we not learned anything from our Medicare provider payment problems? The Republican alternative converts the 2-years of additional payments to Medicare providers to a grant program to get States to increase payments to providers. The same dollars, but we do not end up having a cliff where there will have to be a lot of money made up at some future time.

On the offsets side, as I indicated above, revenue raisers that were noncontroversial were lifted, and these were, in a sense, transferred for yet more spending in that bloated health care reform bill that passed in March.

This meant the bicameral Democratic leadership had to yet scrape deeper to this offset barrel. They pulled out a House-passed change on carried interest. They raided the international tax policy area. They moved revenue-raising ideas out of that area and used them to offset proposals like yet another expansion of the Build America Bonds. That is a program I have questioned in the past.

This transaction cannot bode well for efforts to reform our outdated and uncompetitive international tax titles.

It follows the destruction of the bipartisan tax policy reform of the worldwide interest allocation rules. The losers are U.S.-based companies and their workers. The net tax cost of doing business globally will rise for American-based firms. We already have a noncompetitive corporate tax system. Why would we want to make it more uncompetitive? Why would we want to transfer more jobs overseas? This won't rise for competing firms based in other countries. So Japan, the UK, Germany—name any country—those competing firms will have a leg up because of the tax policy in this bill.

Some characterized these generic tax increases as ending a tax incentive for shipping jobs overseas. As I have indicated, the opposite will occur. The embedded higher taxes burden only U.S.-based companies. In a globally competitive environment, with much of the growth in sales overseas, the impact of those taxes will have to be absorbed here in the United States. The after-tax rate of return on those U.S.-based business activities will decline. The costs will have to be cut elsewhere to pull the rate of return back up to a competitive level because, in this global economy, we have to compete. U.S.-based labor and other expenses will, as we might not be surprised, be cut.

As with the health care bill, the American people are sending a message to those of us representing them in the Congress. The message is this: Finish these time-sensitive matters and do it in a fiscally responsible manner. Of course, that is a message that has been ignored for several months.

Now we get to these tax extenders. They have been attacked as fat-cat tax breaks one week. Then a week later the same critics have labeled them as job incentives. They have been hijacked and manipulated for partisan purposes. That is why, 4 months after scuttling a bipartisan compromise on bipartisan policy, the Senate finds itself struggling to complete this bill. It could have been done so easily in February. This is somehow routine, unfinished business the American people rightly expect us to complete.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I take this time to talk about amendment No. 4304, which I hope I will be able to get cleared by setting aside the pending amendment in order to offer it.

At this time, let me bring to the attention of my colleagues what the amendment would do. This amendment would affect the Federal employees' health benefit plans by allowing the administrator to change the current rules to enroll children up to the age of 26. Currently, the restriction for Federal employees is that they can only enroll unmarried children to age 22.

There are 8 million Federal employees and retirees covered under the Federal Employees Health Benefits Plan. As I am sure everyone is aware, under the law recently passed and signed by President Obama, we have now extended coverage for children up to the age of 26. However, that becomes effective under the law for plans entered into after September 23, 2010. For most plans, the requirement to include children being able to enroll up to age 26 would begin on January 1 of next year when the plan year begins.

Private insurance companies have responded. They understand that this is not really a cost issue and that it makes sense to allow the children of the plan holders up to the age of 26 to be enrolled immediately. Most of the private insurance companies have responded by opening enrollment now.

OPM Director John Berry would like to do the same. He has stated he would like to begin expanding coverage for enrollee adult children now, rather than wait until January to offer this cost-saving benefit. The problem is, current law prevents him from doing that because of the definition of a dependent child being an unmarried child, age 22.

The purpose of this amendment is to give OPM the authority to start to enroll now children who have not reached their 26th birthday. This is particularly important knowing we are in the graduation season. Many of us are very proud to attend our children's graduations. Many of these children would like to remain on their parents' policy now that they are no longer eligible for insurance at college. Unfortunately, without this change, they will have to wait until January of next year, which will cause a lapse in coverage.

The scoring of this is insignificant. We are not talking about a significant amount of additional cost. In fact, we believe it is really a cost-savings issue.

This amendment was offered as a bill and enjoys bipartisan support. Senators COLLINS, LIEBERMAN, AKAKA, ROCKEFELLER, MIKULSKI, BINGAMAN, JOHNSON, KAUFMAN, KERRY, LANDRIEU, STABENOW, WARNER, DODD, DORGAN, LEVIN, CANTWELL, CASEY, and HAGAN have joined in cosponsoring this legislation. It has the support of the National Active and Retired Federal Employees Association, the National Federation of Federal Employees, the American Federation of Government

Employees, the National Treasury Employees Union, and the list goes on.

This amendment makes abundant sense. Our clear intent is to allow those who are under Federal employees' health benefit plans to take advantage of enrolling their children now. This amendment basically clarifies that law so that OPM can move forward to enroll children up to the age of 26 immediately and not wait until January of next year, causing a lapse in coverage. It is a bipartisan amendment, insignificant cost. I hope it will be cleared so I may offer it, and hopefully we can act on it without too much time.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the Senator from Alabama took issue with the use of an emergency designation in the substitute before us. Let me take a moment to explain why that use of the emergency designation is entirely appropriate.

First, the concluding section of the amendment designates two items as emergency items. Those items are unemployment insurance and additional payments to States under Medicaid. Both of these items are directly related to the economic emergency that we find ourselves in; namely, the great recession.

From the beginning of emergency designations, with the Budget Enforcement Act of 1990, Congress has recognized periods of recession as true emergencies, and that makes good economic sense as well. It makes good sense to allow automatic stabilizers such as unemployment insurance and Medicaid to spend more when the economy is in rough shape. Programs such as unemployment insurance and Medicaid help to cushion the blow for those hurt by bad economic times. Programs such as unemployment insurance and Medicaid help to increase economic demand, and that helps to keep the recession shorter than it otherwise would be.

That is why the old Gramm-Rudman-Hollings law provided for exceptions to budget discipline in periods of recession. It is why the Budget Enforcement Act carried on that policy by allowing exceptions for budget emergencies, and budget resolutions have carried that policy further to the current day.

The Senator from Alabama also took issue with the budgetary treatment of payments to doctors under Medicare. That provision is in our amendment, paying doctors at the end of next year. In our amendment, the provision on doctors' payments simply says this provision will be accounted for as Congress provided in the Pay-As-You-Go Act. This provision does not evade the budget law. This provision merely provides for this bill's treatment in accordance with the budget law. So the budgetary treatment of this bill is consistent with the budget law and it is entirely appropriate.

The Senator from Alabama has once again offered his amendment to put caps on appropriated spending. That is basically the same amendment the Senate has repeatedly rejected. The Senator from Hawaii, the distinguished chairman of the Appropriations Committee, will no doubt have more to say about this in due course. At this point let me note the Sessions amendment violates the Congressional Budget Act and I expect a point of order to be raised against the Sessions amendment later today.

Mr. President, I now ask unanimous consent that the Sessions amendment be temporarily laid aside so the Senator from Maryland may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

AMENDMENT NO. 4304 TO AMENDMENT NO. 4301

Mr. CARDIN. Mr. President, I call up my amendment No. 4304.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 4304 to amendment No. 4301.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the extension of dependent coverage under the Federal Employees Health Benefits Program)

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.

(a) SHORT TITLE.—This section may be cited as the ''FEHBP Dependent Coverage Extension Act''.

(b) IN GENERAL.—

(1) PROVISIONS RELATING TO AGE.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8901(5)—

(i) in the matter before subparagraph (A), by striking ''22 years of age'' and inserting ''26 years of age''; and

(ii) in the matter after subparagraph (B), by striking ''age 22'' and inserting ''age 26''; and

(B) in section 8905(c)(2)(B)—

(i) in clause (i), by striking ''22 years of age'' and inserting ''26 years of age''; and

(ii) in clause (ii), by striking ''age 22'' and inserting ''age 26''.

(2) PROVISIONS RELATING TO MARITAL STATUS.—Chapter 89 of title 5, United States Code, is further amended—

(A) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking ''an unmarried dependent'' each place it appears and inserting ''a dependent''; and

(B) in section 8905(c)(2)(B), by striking ''unmarried dependent'' and inserting ''dependent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111–148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

Mr. CARDIN. Mr. President, I took the floor a little earlier today to explain that this amendment allows the members of the Federal Employees Health Benefits plan to be able to enroll their children up to age 26 immediately rather than waiting for the beginning of the year, which would effectively deny those who are graduating from college today, who may not qualify as being under 22 and single, to be able to stay or enroll on their parents' Federal Employee Benefits plan. This is an amendment that the OPM Director supports in that he would like to do this but can't do it under the current law. It has minimal cost.

Private insurance companies are allowing up to 26-year-olds to enroll on their parents' policies today. This allows the government workforce to have those same rights. It would normally take effect at the beginning of the year. It makes sense to do this now. It is bipartisan. It is supported by Democratic and Republican Senators. I urge my colleagues to support this amendment.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. KYL. Madam President, I rise to speak to the pending bill and a potential amendment Senator VITTER is preparing and hopes to offer, an amendment which would make sure that any increase in the trust fund for oilspills would be spent on cleaning up oilspills. That might seem rather obvious, but it turns out that the bill before us increases the required contribution of oil companies to this trust fund to clean up oilspills from 8 cents to 41 cents per barrel and then spends the money not to clean up oilspills but, rather, to pay for other items in the underlying legislation, the so-called extenders bill.

That is not right. If we are going to increase the money to pay for oilspills, we ought to spend the money to clean up oilspills.

What the Vitter amendment does is very simple. It says if that is what we are raising the money to do, then that is what we should spend it on. I will quote from the amendment:

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

It is fairly straightforward.

Why do we have to have this amendment? Because the underlying bill, the extenders bill, raises the required contribution to the trust fund and then spends that money not on cleaning up oilspills but to pay for the extension of benefits under the so-called extenders bill. It doesn't pay for anything in particular; it is simply used to offset the $100-plus billion expenses in this legislation.

The particular provision in the underlying bill that raises the contribution of the oil companies from 8 cents a barrel excise oil tax to 41 cents is section 431. The House-passed extenders package increased it to 34 cents a barrel, and then, under the provisions of this legislation, it is increased to 41 cents a barrel.

Why is this being done? The reason this is being done is to offset part of the expense of the $100-plus billion of this extenders bill. It doesn't offset all of the expenses, obviously.

If we are going to raid the oil trust fund, which otherwise would be used to clean up the oilspill, we better have a very good reason for doing so, especially since all attention is focused right now on the very difficult job of dealing with this big disaster. In fact, it has been described as the biggest disaster of its kind in all of history for the United States. We are going to need every dime we can get in order to pay for the oilspill.

What happens? About the time we seek to get the money to deal with this disaster, whoever is in charge of the money says: We are sorry. It is all gone. We spent it on the tax extenders bill.

We ask: What does the tax extenders bill have to do with the 41 cents per barrel collected from the oil companies?

Nothing. But we needed the money, so we spent it instead.

That reminds me of two other examples. We pay into the Social Security trust fund so that when we retire, the funds are there to pay us. It turns out that each year more money is paid into the fund than is necessary to pay out in benefits. As a result, we take that money and we put it away so we will have it in the future, right? Wrong. Congress spends it.

So when Social Security needs that money to pay seniors' retirement, it goes to the bank and says: We need some of that money now.

The bank says: We are sorry. Congress has already spent it all. You will have to raise taxes on the American public so there is enough money to pay seniors their retirement.

But didn't seniors already pay into the retirement?

Yes, they did.

What happened to the money?

Congress spent it.

A more recent example is the health care legislation. We decided—not we; the other side—it would be a good idea to save $500 billion from Medicare; in other words, to reduce the expenses of Medicare by $½ trillion over 10 years. Some of us thought it is certainly the case that the Medicare trust fund is in trouble. There isn't enough money in the Medicare trust fund to continue to pay benefits for seniors' health care. At least what they are trying to do will extend the life of Medicare. In fact, the claim was made by many on this side of the aisle: This is going to extend the life of Medicare, extend the trust fund's viability for 17 years. It was either 17 years or until the year 2017—I cannot remember.

Then the Actuary of CMS issued a report and said: Not so fast. It turns out that money is not going to be used to extend the viability of Medicare. We are going to spend it on new entitlements in the health care legislation.

I remember talking to the distinguished chairman of the Finance Committee at the time in the Chamber. Since the Actuary of CMS says we can't spend this money twice, we can't spend it both on the new entitlement in the health care legislation and still count it as preserving the viability of Medicare, which is it going to be? We never got an answer. In truth, I suspect it is going to be spent on the new entitlement and we will not be extending the viability of Medicare. You can't spend the same dollar twice. That is what the CMS Actuary pointed out.

Time and time again, when Congress is deceiving the American people by raising funds for something, a specific purpose—to clean up the oilspill, to save Medicare, to fund Social Security—we steal that money from the fund that was created for a specific purpose and spend it on other things. We should be honest with the American people.

The Vitter amendment will at least make clear that to the extent we raise money by raising the price per barrel oil companies must pay into the trust fund, to the extent we collect money from that, we have to spend it on cleaning up the oilspill, not on the other things in the bill that is pending.

I hope when the time comes we will be able to consider the Vitter amendment and we will be honest with the American people and say that one of the first things we have to do is to make sure we can clean up the oilspill. And if we think it is a good idea to make the oil companies spend more money in order to do that, then that is where we ought to be spending the money, not taking that money and using it to pay for other things in this legislation. We have already done it with Social Security. We have already done it with health care. We have done it with a lot of other things.

The American people are getting sick and tired of this duplicity on the part of the Congress. All we do is spend around here. Then when it comes time to pay for it, we say: We are going to pay for it. We are not going to increase the deficit. We will pay for it by taking it from some other fund. The money was raised for some other purpose. That is how we will pay for it. That is as dishonest as not paying for it in the first instance and instead sending the bill to our kids and grandkids.

At some point, Congress has to start paying for what we are spending money on. If we really want to continue to increase spending—and this bill spends over $100 billion—let's be honest and find sources of revenue that really reduce spending in some case so that we can then apply that funding here, or if the other side would like to raise taxes—and there are certainly a lot of taxes in this legislation, which I oppose—the other way we can do it is to raise taxes and hurt businesses so that we don't create as many jobs. That is a great thing to do in the middle of a recession, but that is another way to do it. Either reduce spending somewhere else or generate more revenue through taxes. But don't generate revenue for the oilspill trust fund and then immediately take that revenue and spend it on this bill. That is not an honest way to offset spending in the underlying legislation.

This is another example of why the American people are upset with the Congress.

I would hope that before this legislation is finally disposed of, we would either drop this provision from the bill, this section 431, or we would adopt the Vitter amendment which would ensure whatever funds are collected under that provision are used for the purposes for which they were collected; namely, to clean up the oilspill, and not to offset spending in other parts of the bill.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Minnesota.

AMENDMENT NO. 4311 TO AMENDMENT NO. 4301

Mr. FRANKEN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 4311 be called up.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. FRANKEN], for himself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 4311 to amendment No. 4301.

Mr. FRANKEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program)

At the appropriate place, insert the following:

TITLE ____—OFFICE OF THE HOMEOWNER ADVOCATE

SEC. __01. OFFICE OF THE HOMEOWNER ADVOCATE.

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the ''Office of the Homeowner Advocate'' (in this title referred to as the ''Office'').

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this title referred to as the ''Director'') shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) HIRING AUTHORITY.—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

SEC. __02. FUNCTIONS OF THE OFFICE.

(a) IN GENERAL.—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this title referred to as the ''Home Affordable Modification Program'');

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) AUTHORITY.—

(1) IN GENERAL.—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) LIMITATIONS ON FORECLOSURES.—No homeowner may be taken to a foreclosure sale, until the earlier of the date on which the Office of the Homeowner Advocate case involving the homeowner is closed, or 60 days since the opening of the Office of the Homeowner Advocate case involving the homeowner have passed, except that nothing in this section may be construed to relieve any loan servicers from any otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

(3) RESOLUTION OF HOMEOWNER CONCERNS.—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) COMMENCEMENT OF OPERATIONS.—The Office shall commence its operations, as required by this title, not later than 3 months after the date of enactment of this Act.

(d) SUNSET.—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

SEC. __03. RELATIONSHIP WITH EXISTING ENTITIES.

(a) TRANSFER.—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) HOTLINE.—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) COORDINATION.—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

SEC. __04. REPORTS TO CONGRESS.

(a) TESTIMONY.—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) REPORTS.—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

SEC. __05. FUNDING.

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

Mr. FRANKEN. Mr. President, I rise today to speak about an issue I am very concerned about, and I know every Member of this body is concerned about: the number of families losing their homes to foreclosure.

When I go back to Minnesota, and I know when the Presiding Officer goes home to Delaware, we are bombarded by stories from folks in our States who have worked their entire lives to own a home but who may lose it. They want to know why this is happening to them after they have worked so hard and why the government is not doing more to help.

The reality is, the government has done something. The President created a program called HAMP, which incentivizes mortgage servicers to modify home loans to keep families in their houses. But while that program is a good step forward, it has also been plagued by mistakes. People are losing their homes just because of human error. Let me repeat that. People are losing their homes simply due to errors.

When I spoke about this previously on the Senate floor, I mentioned a homeowner named Barbara, who lives in Minneapolis. She fell behind in mortgage payments because her husband lost his job and her son got cancer. But when she tried to use the President's mortgage modification program, her mortgage servicer claimed she was not eligible for a mortgage modification, and he did so using incorrect information about her finances. When she pointed out the problem, they claimed there was nothing she could do because she had already been denied.

Take another woman from Minneapolis. Let's call her Susan. She did not want me to use her real name. After Susan fell behind in mortgage payments, she went through HAMP and paid all of her monthly payments on time. Her mortgage servicer, however, seems unwilling or unable to decide one way or another if she is eligible for a ''final modification,'' which would allow her to continue paying a lower amount on her mortgage and stay in her home.

In the meantime, the company continues to schedule sheriff sales for the property, which, in turn, increases the amount that Susan owes in fees. In other words, because HAMP is not working the way it should, Susan may owe more money than she would otherwise, and she may be even more at risk of losing her home.

This is not the way the government is supposed to work. If we are going to have a government program, let's make sure it operates effectively. I think we can all agree on that. Let's have good governance. People should not be losing their homes just because we cannot get all our ducks in a row.

Today, Senator SNOWE and I are offering an amendment to fix the HAMP appeals process so that homeowners have a place to turn when the system fails. This amendment would create an Office of the Homeowner Advocate within Treasury, modeled after the very successful Office of the Taxpayer Advocate at the IRS, which has worked wonderfully. Homeowners would be able to call this Treasury office and know that someone has their back—someone with the authority to actually fix the problem.

Staff at the Office of the Homeowner Advocate would have two important powers. First, they could make sure servicers actually follow the rules of the program or suffer the consequences. Secondly, they would be able to temporarily delay a servicer's ability to sell a person's home, giving the office time to resolve the problem before it is too late.

The office would be temporary, lasting only as long as HAMP does. While it lasts, though, it would make sure that government actually works the way it is supposed to work. If we are going to set up a program to help keep people in their homes, let's actually make sure it keeps people in their homes.

Significantly, this amendment does not authorize any additional appropriations. Let me repeat that. There are no additional appropriations. It would be funded by existing HAMP administrative funds.

Our amendment is supported by a large number of national groups, including the Center for Responsible Lending, the National Consumer Law Center, the Leadership Conference on Civil and Human Rights, the Consumers Union, the Consumer Federation of America, the Service Employees International Union, and the National Council of La Raza. I am happy to say the amendment is supported by over a dozen groups in Minnesota.

Senator SNOWE and I first proposed this amendment during the Wall Street reform debate. The amendment was supported by the Treasury Department and made the White House's list of the top 10 amendments that would improve the bill. But it never received a vote.

Now we are putting it to the Senate again. Let's have an actual vote on this issue on whether to fix this foreclosure program we have created. Homeowners in all our States deserve that much.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. VITTER. Mr. President, I come to the floor to talk about the ongoing oil disaster in the gulf. Being from Louisiana, we view this, correctly, as an ongoing disaster. This is not history. This is not a past event. This is not just some issue to debate in Washington. It is an ongoing crisis, an ongoing oil flow that continues to pollute the gulf and continues to devastate the region economically.

So in that context, there is, perhaps, only one thing that is more frustrating than an inadequate response from BP or an inadequate Federal response. The only thing more frustrating than that—in fact, more infuriating—is when this ongoing crisis and disaster is used and abused politically for other purposes.

I think that is exactly what is going on in this extenders bill. Because in this bill there is a huge increase in taxes that go to the Oil Pollution Act trust fund, but that money is not going to oil cleanup in the gulf. It is primarily being used to go into the trust fund to be stolen from it for unrelated spending to mask the deficit spending in this bill. Quite frankly, when we are going through an ongoing crisis in the gulf, that is not frustrating, it is outrageous.

What am I talking about exactly? This is what I am talking about: Right now, under Federal law, there is a tax levied on petroleum products of 8 cents per barrel. That funds the Oil Pollution Act trust fund. In this extenders bill, that tax is proposed to be increased by the majority side from 8 cents to 41 cents—over a fivefold increase.

If that were necessary and crucial to fund cleanup operations in the gulf, I would be completely open to it. We need to do whatever it takes. But that is not how that money is being used. It is being used as a cover to increase taxes and to offset other unrelated spending. Because in this bill that tax is increased from 8 cents to 41 cents, and then, just as quickly, that money is stolen from the trust fund to pay for other unrelated items in the bill.

Put another way, it is double counted. It is used as an offset on other spending items in the bill that have nothing to do with the oil disaster, nothing to do with the cleanup. It is double counting. It is an unfair offset. It is stealing from the trust fund to mask other spending. Unfortunately, I think this is a classic example of the old Rahm Emanuel quote from early on during this administration. Around February of 2009, Rahm Emanuel, the White House Chief of Staff, said: We are not going to let a good crisis go to waste. At the time, he was talking about the financial crisis and harnessing that to push forward the Obama administration's unrelated, left-leaning agenda.

Tragically, exactly the same thing is going on here: We are not going to let a good crisis go to waste. They are going to use the ongoing oil disaster in the gulf to help mask runaway Federal spending. Because, again, they are proposing to increase this tax from 8 cents to 41 cents—over a fivefold increase—but it does not go for gulf cleanup. It is stolen from there just as quickly as it is levied to pay for unrelated spending. It is double counted to mask the runaway spending also in the bill.

Again, that is not just frustrating; as a Member from Louisiana, that is downright offensive. This is an ongoing crisis. It is an ongoing challenge and we need to meet it. We need to focus on it. We need to deal with it. We do not need to use it and abuse it politically to push forward a preexisting, leftist agenda up here to pay for runaway and unrelated Federal Government spending.

I will have an amendment on the floor in this debate to address this issue. I will formally offer it and make it pending tomorrow. But my amendment, which will be cosponsored by Senator JUDD GREGG, the ranking member of the Budget Committee, is real simple. It is going to say that whatever Congress does with this new revenue into the OPA trust fund, it cannot steal that revenue for unrelated spending. It cannot use that revenue, double count that revenue to mask other unrelated runaway deficit spending. That is what my amendment is going to say and that is what my amendment is going to do.

We have a crisis in the gulf. It is ongoing. It is not over yet, unfortunately, by a long shot, because the flow is ongoing, the pollution is ongoing, and it is getting worse and worse. We need to meet that crisis. We need to meet that challenge and do whatever it takes. We don't need to use and abuse that crisis to push forward other unrelated agendas here in Washington, DC.

This provision in the extenders package is doing just that. It is using and abusing that crisis to put money in the OPA trust fund just to take it out, to steal it for unrelated programs, to double count it, to mask runaway deficit spending completely unrelated to the oil disaster. As a Senator from Louisiana, I am crying foul. I am saying that is not only wrong, it is offensive. We shouldn't use and abuse an ongoing crisis in the gulf for other unrelated political purposes.

So, again, I will have a very clear amendment. It will say whatever we do with the OPA trust fund, that money can't be stolen from the trust fund and used for unrelated purposes. That

money can't be double counted to help mask runaway government spending having nothing to do with the ongoing crisis in the gulf. If it is a trust fund, let's treat it as a trust fund, and that means we take the revenue and we truly preserve it for that use and that use alone and it can't be stolen for anything else, and it can't be double counted to mask other deficit spending.

I think it comes down to a pretty fundamental decision: Are we here in the Senate going to meet the ongoing crisis in the gulf? Are we going to meet that challenge? Are we going to come together across party lines and do the right thing? Or, are some folks here going to use it and abuse it to advance an unrelated political agenda; to steal that money for unrelated spending; to double count it and help mask unrelated, runaway Federal Government spending? We shouldn't do that. That is rubbing salt in the wound of gulf coast residents. That is truly offensive and truly wrong.

I urge all of my colleagues, Democrats and Republicans, to support this amendment. I will formally introduce it and make it pending tomorrow. Again, the idea is very simple. Whatever we do with the OPA trust fund, it should be to deal with the crisis in the gulf. It should be to preserve that and protect that in a true trust fund; not to steal it out of the trust fund to pay for unrelated spending; not to double count it to mask soaring Federal Government deficits having nothing to do with our response in the gulf.

Thank you, Mr. President. I look forward to continuing this debate. I look forward to filing, introducing, and making this amendment pending tomorrow, and I look forward to a positive vote.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I am here to speak to this bill we are considering, the American Jobs and Closing Tax Loopholes Act. Too many people in New Hampshire and across this country are still struggling. I wish to talk today about some of the provisions that are in the legislation before us, provisions that will create jobs, grow small businesses, and help unemployed Americans who are still struggling to get back to work.

As you know, Mr. President, we have been here before. On March 10 of this year, almost 3 months ago, the Senate took up and passed a bill that contained most of the provisions we are considering today. That day, the Senate voted, with bipartisan support, to stand with working families and extend the safety net legislation and investment incentives that are helping us get through and out of this recession.

Unfortunately, we have not yet been able to send this bill to President Obama for his signature. For the last 3 months, we have had almost weekly standoffs on temporary measures to do what we already voted to do back in March, which is help people throughout this country get back to work. This delay has had real consequences. Over the last 6 months, the Federal unemployment program has expired four times—most recently, over Memorial Day.

Mr. President, you and I know the American people deserve better. The legislation before us will create jobs, it will increase demand for goods and services, and it will provide stability for Americans who have lost their jobs during this recession. In addition to extending unemployment benefits through November, the bill also renews a tax credit to support research and development; it waives the fees on business owners who take out Small Business Administration loans; it helps municipalities make critical infrastructure improvements; and it funds a much needed summer youth jobs program.

I know there are some people who think we have done all we should do. I, too, believe we must get back on a path to a balanced budget, but the best way to do that is to get this economy moving again. The latest jobs report from last Friday showed that we still have a lot of ground to make up. During these very difficult economic times, it is still necessary for the Federal Government to step up and help stimulate job creation through investments and tax cuts.

The national unemployment rate is still over 9 percent. In many communities, it is much higher than that. What is more, nearly 7 million people—nearly half of all Americans collecting unemployment benefits—have been out of work for 6 months or longer. They have run out of the benefits provided by their States. These are the workers who are collecting Federal unemployment benefits, which they are using to pay the rent, make mortgage payments, buy groceries, and put gas in their cars to go out and look for the next job. This legislation extends this vital program until the end of November.

Another group of Americans who are helped by this legislation and who are hurting right now are teenagers. These young people have an unemployment rate that is more than double the national average. In fact, right now young people are having a harder time finding jobs than at any time since World War II.

Last week, I visited Nashua, NH, and Dover High School in Dover, NH, where I used to teach school. A lot of the students in both of those communities are pretty excited about summer beginning. Many of those students want to work this summer. Many of them need to work to help save for college, to help their families. Unfortunately, because of the recession, it is more difficult for a teenager to get a job today than it has been in a very long time. High unemployment has forced more adults to compete for every job, and they are often filling jobs that once went to young people. That is a problem for young people, and it is a threat to the future of the economy.

Last year, Congress stepped in and created a summer jobs program to employ tens of thousands of teens, which included over 500 young people in New Hampshire.

I got to meet two of those students last week. Dawn White, who will be a senior at Dover High School this fall, talked to me about her ''life-changing summer job experience'' that she had last summer as a result of the dollars we put in to help fund summer jobs. She worked setting up exhibits at a local children's museum. Dawn told me that having that summer job built her confidence and helped her identify a new goal for the future to work with children. In Nashua, I met Elizabeth Madol, a senior at Trinity High School in Manchester. She worked at the public library in Manchester and helped young children with summer reading and other activities. She told me that this had been her first job and that because of it she now has the skills and work experience she needs to get another job this year. Those are just two stories out of hundreds of young people in New Hampshire and all across this country. Those are young people who, because of those summer jobs, have had phenomenal results.

An independent study showed that young people were excited by the skills they gained through summer work and they left better prepared to join the workforce. They were exposed to new careers and new opportunities. They learned about responsibility and developed professional relationships. Many even left with job offers for after they graduated. This is particularly important for us because many of these young people are young people who, without those summer jobs, would never have a chance to enter the workforce or they would enter at a time that would leave them behind for years to come.

The legislation before us contains $1 billion to extend the summer jobs program for another year, creating tens of thousands of jobs and giving hundreds more young people in New Hampshire and hundreds of thousands more across this country the chance to work. We can't build a 21st-century economy unless we start building our young workforce. We need workers with all kinds of skills and interests. By giving teenagers a foot in the door today, they will give back to our economy in the future. That is the power of what the funds in this legislation for summer jobs can do.

Finally, the legislation we are considering takes away tax breaks that reward corporations for sending jobs overseas, and it gives tax incentives to small businesses to create jobs right here in America.

This is a good bill. It is legislation that will make a real difference in our communities by creating jobs and helping struggling families. It is an investment in our present, and it is an investment in our future. I urge my colleagues to once again support the American Jobs and Closing Tax Loopholes Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BARRASSO. Mr. President, I come to the floor today because the President of the United States earlier today had a townhall meeting to talk about the new health care law, the law he has promoted and talked about and which has been a major point of discussion, debate, and then vote in this Chamber over the last year.

I come as someone who has practiced medicine in Casper, WY, since 1983, as an orthopedic surgeon, taking care of families all around the State of Wyoming, and working on prevention, working on early detection of medical problems through what is called Wyoming Health Fairs.

I come to the floor today, having watched and read the comments by the President, to take a look at some of those comments and see what the American people heard from the President and what I see as my doctor's second opinion about this health care law. It is a law that I believe is bad for patients, bad for payers—the American taxpayers—and bad for our medical providers—our nurses and our doctors—who take care of those patients. Like most Americans, I believe this is going to, unfortunately, raise the cost of care for American families and lower the availability and quality of that care.

I wish to point out a few of the comments the President of the United States said today, and I want to do that from my perspective as someone who goes home to Wyoming on weekends and visits with patients. Just a few minutes ago, earlier today, I visited with a patient, someone I had operated on, done surgery on her knee about 10 years ago.

One of the things the President talked about today was Medicare Advantage. Medicare Advantage, in my opinion, is a program that has a lot of advantages. That is why one out of four Americans on Medicare signs up for Medicare Advantage. It deals with preventive care. It deals with coordinating care, so care is coordinated in a way that patients get better care.

The President said Medicare Advantage benefits will not change. He said:

First and foremost, what you need to know is that the guaranteed Medicare benefits that you've earned will not change, regardless of whether you receive them through Medicare or Medicare Advantage.

Seniors who know a lot about Medicare Advantage know that is not the case. You do not have to go very far back to find it. Yesterday's Wall Street Journal talked about Medicare, and specifically Medicare Advantage. I will quote from this article. It says:

Dozens of Medicare Advantage providers—

These are the insurance companies that help with Medicare Advantage—

plan to cut back vision, dental and prescription benefits.

''Plan to cut back vision, dental and prescription benefits.''

Some plans are eliminating free teeth cleanings and gym memberships, and raising fees for hearing aides, eye glasses and emergency-room visits.

Wait a second. The President of the United States said Medicare Advantage benefits will not change. This says there are a couple of reasons why he is wrong. One of the reasons is that the rate the government will pay private insurers to run the plan is frozen. It is frozen in 2011 at the 2010 levels, while medical costs are expected to increase an average of at least 6 percent.

I thought we went into this whole health care debate and discussion with the idea of getting the costs down. Now what we are seeing is, no, costs are going to go up in spite of, or perhaps because of, this legislation. ''Such price increases and benefit cuts will help'' the companies ''recoup that difference . . . ''—the losses.

Medicare Advantage benefits are certainly going to change, and they are going to change in a way that is detrimental to the seniors of the country regardless of what the President said today in his townhall meeting.

Then he went on and said the health bill ''will actually reduce the deficit, reduce costs.'' That is what the President said today at his townhall meeting in Maryland.

It is astonishing because I do not believe any person in this Chamber believes that. I do not think anyone listening at home or at the townhall meeting believed it. And the President's Chief Actuary does not believe it. Actually, the Chief Actuary a month or so after the bill was passed, after it was signed into law, released projections that said the health care overhaul will likely cost about $115 billion more—more—in spending over the next 10 years than the original cost projections, taking the total estimated costs to above $1 trillion.

The President says this will actually reduce the deficit and reduce costs. This is at a time of record deficits, when the American people are very concerned about the deficits and the incredible debt.

From the transcript of the President's speech, as he goes through, he says:

And finally, we're going to reduce by half the amount of waste, fraud and abuse in the Medicare system. . . .

That is an admirable goal. There is significant waste, fraud, and abuse in the Medicare system. How much waste, fraud, and abuse is there? I am not sure anyone knows for sure exactly how much there is, but the Associated Press, with a lot of study, has said it is about $47 billion a year—$47 billion a year.

What do the budget people who looked at this health care law say about how good is it going to be, how effective? The President is talking about cutting it in half from $47 billion. If you can save $23 billion a year, that is an accomplishment. The Congressional Budget Office estimated that Medicare, Medicaid, and the Children's Health Program, with the integrity provisions—those are the provisions aimed at waste, fraud, and abuse—they are thinking that over the next 4 years, they will save about $2.2 billion and over the next 10 years, they will save almost $7 billion.

Savings are good, but they are going to save $7 billion over 10 years when, according to the Associated Press, we are losing almost $500 billion over 10 years to waste, fraud, and abuse.

The savings, according to the Congressional Budget Office, are minuscule, but yet the President today, talking to this crowd, said we are going to reduce it by half.

I don't know, maybe he is talking about introducing a new law because it sure is not in the health care bill that was signed into law and passed with 60 votes in this body.

After the President went through all of these, he then said:

So that's what the law does. Now, having said that, there—some of the folks who were against health reform in Congress—

I don't think anybody is actually against health reform. But I will say there are a lot of people who are against this bill. He said:

In fact, you have an entire party out there that's running on a platform of repeal.

It is not a party. Sixty percent of the American people are saying we should repeal and replace this health care law.

The President had this meeting, but there are a lot of things the President of the United States did not tell the American people. It is those things—that is the reason 60 percent of the American people are opposed to this new law.

He did not mention that Medicare cuts will be $550 billion, and those are cuts to hospitals, cuts to nursing homes, cuts to home health agencies, cuts to hospice to help people in the final days and hours of their lives. He did not mention that at all.

He did not mention that the new Medicare Director—someone he recently named—loves the British health care system and says we are going to need to ration care. The new Director of Medicare is planning to ration care. We did not hear that mentioned to the seniors today.

We did not hear him mention the fact that up to $18 million has been spent

on a mailer about the new health care law that many have referred to as propaganda because it fails to clearly and honestly express what is going to happen to people on Medicare as they cut $550 billion from their health care over the next years.

I do not think he mentioned that one in six hospitals is going to find they are in the red living under the new system. That is what the Chief Actuary has said.

I don't think he mentioned the $25 million plan that was mentioned yesterday in the New York Times: ''White House and Allies Set to Build Up Health Law and Democrats Who Backed It.'' It said:

> President Obama and his allies, concerned about deep skepticism over his landmark health care overhaul, are orchestrating an elaborate campaign to sell the public on the law, including a new tax-exempt group that will spend millions of dollars on advertising to beat back attacks on the measure and Democrats who voted for it.

That is what we hear. We now have a health care law that, as NANCY PELOSI said, you have to pass before you get to find out what is in it. The American people are finding out what is in it. Week after week, they are finding some new unintended consequence, something they do not want, something they do not think is good for them. That is why week after week I come back to the floor to talk about a health care law that failed to pay for doctors who take care of patients, failed to pay to train doctors, and failed to deal with lawsuit abuse.

It did have money for a lot of new IRS agents to try to enforce the law that is mandating everyone to buy insurance. But I think if you talk with people in any of our home States, they are going to say: We need more new doctors; we don't need more IRS agents.

That is why I come to the floor with my second opinion, an opinion which says it is time to repeal the legislation and replace it with legislation that is really a health care system and program that is patient centered, that will allow Americans to buy insurance across State lines, that will provide the same tax relief for individuals who buy their health insurance personally—they would get the same tax relief that the big companies get—that would provide individual incentives, such as premium breaks, to encourage healthy behavior, that would deal with lawsuit abuse, and would allow small businesses to join together to provide less expensive health insurance for their employees.

That is why today I offer my second opinion that it is time to repeal and replace this bill and get patient-centered care for the American people.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4302 TO AMENDMENT NO. 4301

Mr. CORNYN. Madam President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 4302.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Texas [Mr. CORNYN], for himself and Mr. KYL, proposes an amendment numbered 4302 to amendment No. 4301.

Mr. CORNYN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes)

At the appropriate place, add the following:

TITLE ____—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Foreign-Held Debt Transparency and Threat Assessment Act''.

SEC. __02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term ''debt instruments of the United States'' means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. __03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. __04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) QUARTERLY REPORT.—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) PUBLIC AVAILABILITY.—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. __05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are

unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. __06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section _____04(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, or the Comptroller General of the United States makes a determination under section _____5(b)(3), the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

Mr. CORNYN. Madam President, I won't detain the Senate long, but I did want to call up this important amendment early on in considering this underlying legislation.

This amendment would improve transparency in reporting of foreign holdings of our debt, providing taxpayers with more information about which countries are financing our deficit spending. This amendment is based on legislation Senator KYL and I introduced in April called the Foreign-Held Debt Transparency and Threat Assessment Act. This legislation would require the President to provide Congress with quarterly risk assessments on the national security and economic hazards posed by current levels of foreign holdings of our debt. It would require the President, in the event that risk level was too high, to submit a plan of action to the Congress to bring down the risk in a way that reduces Federal spending.

Regarding the national debt itself, the bill instructs the GAO to provide Congress with an annual risk assessment on national security and economic hazards posed by the national debt as well as recommendations for reducing Federal spending.

We know the President's budget puts this Nation on a roadmap for doubling the national debt in 5 years and tripling it in 10 years. The interest payments alone will reach $900 billion in 10 years, which is more than the United States currently spends on education and national defense combined. In addition, according to the nonpartisan Congressional Budget Office, the pending legislation will add almost $80 billion to the deficit.

While the President likes to say he inherited the Nation's debt from his predecessor, the fact is, from the day President Obama took office until the last day of fiscal year 2010, the debt held by the public will have grown by $2.3 trillion, according to the White House Office of Management and Budget.

It is important to note that the explosion in the Nation's debt is being financed by foreign investors who, unsurprisingly, may not always have our best interests at heart. The more we need to borrow from foreign investors, concerns about our Nation's fiscal health increase.

The chairman of the Budget Committee noted at a hearing last February that last year, 68 percent of the new debt financing came from abroad, with China now the biggest funder of the United States. We have had the Chinese warn us publicly and privately that they are increasingly reluctant to finance that debt.

In fact, it is worse than that. Chinese Government officials have threatened to use their debt holdings to retaliate against U.S. policies they oppose. In a recent response to a U.S. decision to sell defensive weapons to Taiwan, an official of China's People's Liberation Army warned that China might sanction the United States by dumping U.S. Government bonds.

Many believe a rapid Chinese divestment of U.S. debt holdings would have a destabilizing effect on the U.S. economy.

For all these reasons, I ask my colleagues to support this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, we are on the jobs and tax bill, but we seem not to be making a lot of progress tonight. Senators are under no constraint to come to the floor and say what is on their minds about any subject under the Sun.

I wish to address a couple remarks given by Senators recently.

Most recently, I share the concerns of the Senator from Texas about the debt that is owned by lots of different folks, not just Americans but owned by foreigners. He made special reference to China. I think it would be better if the United States could avoid borrowing so much. It is unfortunate the United States has borrowed a lot to run its affairs.

So have other countries, I might add. It is not just the United States. There are many countries, regrettably, that have overborrowed. Greece comes to mind, as do other European countries: Spain, Portugal, perhaps even Hungary. It is becoming quite a concern worldwide. It is one reason we have the Deficit Reduction Commission set up to figure out the proper way to reduce our deficits, which by definition would mean that other countries would be borrowing less from other countries.

But I also think we need to act responsibly. The Senator from Texas sent a resolution—I think it is a resolution—which was pretty strongly worded in its implied criticism of China. It somewhat reminds me of the Pogo cartoon: We have met the enemy, and he is us. But, in any regard, we need to avoid taking actions that might unsettle bond markets in these very uncertain times. The markets are jittery right now. So I look forward to working with the Senator from Texas to improve his amendment. We have to be very responsible on this subject and not cause a greater problem by acting too precipitously.

On another matter, Madam President, just prior to the Senator from Texas speaking, the Senator from Wyoming addressed the Senate, and he delivered a full-throated diatribe against health care reform. He called his attack ''a second opinion.'' But instead of offering a second opinion, which he did not do at all, he delivered, frankly, the same old negative criticisms that many on his side of the aisle have been delivering since enactment of health care reform. Not one Republican voted for health care reform—not one—and that bill passed. We do live in a democracy. The majority vote rules. The President signed the bill. I would think that issue has been settled. Health care reform has been enacted into law, signed by the President. So I am a little confused as to why he still wants to criticize this bill so much, except he does say: Well, gee, it should be repealed.

The Senator from Wyoming, for example, derided the antifraud provisions in the health care reform bill. He called them ''miniscule.'' But I might say, as a matter of fact, we advanced every antifraud provision we could possibly find. In the meantime, working with the Senator from Florida, Mr. LEMIEUX, we are also looking to find other antifraud provisions to cut back waste and get rid of the waste in our health care system.

But we needed the health care reform law to pass so we can weed out that waste, get rid of that waste, and to pass these antifraud provisions. If the Senator has another health care fraud measure, I sure would like to hear it. It reminds me of that phrase: Where's the beef. He keeps criticizing, but I hear no solutions. I hear no alternatives. I am a little surprised at that because he is my neighbor. We in Montana know a lot of folks in Wyoming, and we like to think we are people who do not just bellyache and complain but we are, rather, people who come up with positive solutions, constructive solutions, as good neighbors do.

The Senator from Wyoming goes on further to say that the President's nominee to head CMS ''plans to ration care.'' This is simply a libel, Madam President. If the Senator were not protected by the speech and debate clause,

he would be subject to a suit for slander. Certainly truth would not be a defense. The Senator from Wyoming uttered a slanderous statement. He is protected by the speech and debate clause of the Constitution of the United States, and that is about the only place he could make slanderous statements like that with impunity.

The Senator from Wyoming says his ''second opinion'' is that Congress should repeal the new health care law—just repeal it. But by calling for repeal of health care reform, the Senator from Wyoming apparently seeks to repeal one of the biggest budget reduction measures in the decade. I say that because the nonpartisan Congressional Budget Office tells us that health care reform will reduce the Federal deficit by one-half of 1 percent of GDP in its second decade. It will reduce the deficit.

I would think the Senator from Wyoming would like to reduce the Federal budget deficit. I am quite certain he wants to reduce the Federal budget deficit. But if he asks for repeal of health care reform, I guess he no longer cares about reducing our Federal budget deficit.

By calling for repeal of health care reform, the Senator from Wyoming seeks to repeal the law that reins in insurance companies. Boy, in the private market there is just so much abuse of individuals by insurance companies. By calling for the repeal of health care reform, apparently the Senator from Wyoming wants to bring back the ability of insurance companies to discriminate against people who have preexisting conditions, to discriminate against Americans who are denied insurance based upon some health care status or to go back and deal with the rating provisions of States where the States, unfortunately, allowed insurance companies to take advantage of certain groups of people.

By calling for repeal of health care reform, apparently he seeks to bring back the doughnut hole and preserve it in the future. He seeks to continue hardships for seniors who need help paying for their prescriptions.

Madam President, this health care reform bill closes the doughnut hole. What is the doughnut hole? That is the dollar amounts above which and under which people have to pay all their prescription drug benefits. When they get up to the doughnut hole, they get a certain break. When they get above the doughnut hole, I guess 90 percent of their drugs are paid for—something like that.

But within the doughnut hole, if you are a senior, you do not get any help. Apparently, the Senator from Wyoming says: Oh, that is fine. Those people don't deserve to get any breaks in their prescription drug benefits. He wants to repeal health care reform, so the effect of that would be: Seniors, you are not going to get any help. Sorry. No help in the doughnut hole.

By calling for repeal of health care reform, the Senator from Wyoming seeks to eliminate the tax credits that the new law will give Americans to help them buy insurance. I guess he does not care about that, the Senator from Wyoming. He does not want to give people tax credits. He does not want to give people tax credits to help them buy insurance.

And by calling for repeal of health care reform, the Senator seeks nothing less than the continuation of a system where millions of Americans struggle, struggle by, struggle without health insurance, struggle without quality health care. They struggle because of greater pain and discomfort and greater risk of early death.

I could go on and on and on and on as to the reasons the Senator from Wyoming's so-called second opinion is defective, to say the least. I know some on the other side oppose health care reform. But this is, as I mentioned earlier, a democracy. In our country, the majority generally determines whether a law passes. Congress and the President enacted health care reform, and I wish my colleagues on the other side of the aisle would just stop fighting the last war—stop fighting the last war. Rather, let us try to find opportunities to work together to improve the law together. Let's leave behind the politics of destruction. Let's work together to build a better health care system for America because, after all, we are here to help the people who sent us here. The people who sent us here want a better health care system than they now have.

So let's work together to find that better solution. Let's not forget that health care is basically indiscriminate. Poor people, wealthy people get cancer. Women, men get cancer. Cancer strikes anybody. It does not make a difference whether you are a Republican or a Democrat. The same thing is true with any other health discomfort or condition.

So I am just beside myself in trying to figure out why it is that the other side of the aisle just keeps attacking health care reform. The only conclusion I can come up with is they just want to stir up things. They want to cast all kinds of doubt and confusion in the minds of Americans, with respect to perhaps these elections coming up this next November. That is a conclusion I do not like to reach but, logically, it is the only one I can possibly come up with.

I will say something else. This health care reform is going to be relitigated again when we in the Finance Committee take up the nomination of Don Berwick to be the new CMS Director. I know, as sure as I am standing here, those who voted against health care reform—and they all happen to be Republicans—are going to be just relitigating health care reform. They are going to accuse this administration of about anything under the Sun, including Don Berwick. It is going to be very unfortunate. It is my job—it is going to have to be as chairman of the committee—to try to keep the debate, if you will—it will not even be a debate; in part, it will be a diatribe in certain circumstances—to just keep the discussion, the debate on a constructive level so we can serve our country and serve our people. But I felt compelled to speak in the wake of the remarks by the Senator from Wyoming because they deserved a response.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we have had an interesting start today on the jobs-tax bill, but it has been fruitful and productive. We have four amendments pending. That is progress. Tomorrow, I want to move ahead and clear out the underbrush, if you will, to get those amendments disposed of. I have spoken with the leader, and we have agreed that it makes good sense to get those four amendments processed tomorrow morning before we do much else and that we go to other amendments subsequent to that. I hope we can get those amendments processed so that we can proceed.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOSH MILLER HEARTS ACT

Mr. BROWN of Ohio. Mr. President, half of heart-related deaths in the United States are caused by a hard-to-diagnose condition called sudden cardiac arrest, SCA. Different from a heart attack, SCAs are caused by an electrical problem in the heart that, once triggered, requires immediate treatment: survival rates plummet 7 to 10 percent with every minute that passes. Each year, only 8 percent of the 295,000 people who suffer an SCA outside of a hospital survive. A few years ago, June 1–June 7 was designated as CPR/AED Awareness Week to share these startling statistics and to begin to change them. By educating and encouraging communities to establish organized programs that could provide CPR and AED training to the public, lives have already been saved. Anyone can suffer a sudden cardiac arrest, no matter one's age or gender. In fact, many victims appear healthy, not having a known heart disease or any other risk factors. For example, student athletes with no previous heart ailments

have been stricken with SCA in the middle of practice or during games.

Josh Miller was one such student athlete. The act that bears his name—the Josh Miller HEARTS, Helping Everyone Access Responsible Treatment in Schools, Act—creates a grant program through the Department of Education for public and private schools to purchase automated external defibrillators, AEDs, and to train staff in the use of CPR and defibrillation within the context of a coordinated emergency response plan. Josh was a 15-year-old high school honor student from Barberton, OH, who suffered sudden cardiac arrest during a high school football game. Though Josh had never previously demonstrated symptoms of a heart problem, he passed away before paramedics arrived at the scene. There were no AEDs on site that might have been used to save Josh's life.

The U.S. House of Representatives passed the Josh Miller HEARTS Act on June 2, 2009, and Senator GEORGE VOINOVICH and I introduced the bill in the Senate on June 8, 2009. Currently, the legislation has seven cosponsors and is pending before the Committee on Health, Education, Labor, and Pensions.

The combination of early, immediate CPR and defibrillation helps restore normal heart rhythm before emergency personnel arrive and increases a victim's chances of survival. Tragically, lives are lost every day because there are not enough AEDs and persons trained in using the devices and performing CPR to provide this life-saving treatment. On average, response times for emergency medical teams run approximately 6 to 12 minutes. Yet according to the American Heart Association, the chance of survival of sudden cardiac arrest decreases by 7 to 10 percent with every passing minute.

In order to have a strong emergency response system, communities need the resources to help save lives. I encourage my colleagues to follow the House's lead and take up and pass the Josh Miller HEART Act as soon as possible.

MEMORIAL DAY 2010

Mr. BEGICH. Mr. President, the English author Albert Pine wrote: ''What we have done for ourselves alone, dies with us; what we have done for others and the world remains and is immortal.'' On Memorial Day we come together to recognize and honor those who have truly ''done for others and the world'' and to ensure their service and sacrifice remains immortal.

Each year since 1868 we have paused to pay tribute to those who have made the ultimate sacrifice for our freedom and democracy. This freedom we cherish is not free and comes at a horrific price, a price borne by our veterans, both past and present. Our veterans never fought for empires or dominance but, rather, for a cause bigger than any one individual. That cause is freedom and democracy, something many of them would sadly never live to see.

There is no greater service to one's country and no greater act of heroism than to stand between our Nation and those who would do us harm. So it is today, Memorial Day 2010, we again come together as a nation recognizing and honoring the valor and courage of the men and women who have given so much—warriors who paved the road of freedom with their service and sacrifices.

Alaska has a proud tradition of military service. During World War II, long before Alaska's statehood, the Alaska Territorial Guard stepped up and played a key role in defending Alaska and protecting America's interests. Today Alaska is home to more than 28,000 Active-Duty men and women, many of whom have served multiple tours of duty in the wars in Iraq and Afghanistan. The Alaska Army and Air National Guard is also playing a key role in these conflicts by deploying hundreds of Alaskans to combat duty.

It is all of our Active-Duty men and women—and their families—whom we should also thank and honor today. To the veterans among us—thank you for your service. We also remember warriors still missing and unaccounted for and continue our commitment to provide the fullest possible accounting and to return them home.

THE RELEVANCE AND IMPORTANCE OF NATIONAL SERVICE

Ms. MIKULSKI. Mr. President, I ask unanimous consent to have the following statement by Patrick Corvington, chief executive officer of the Corporation for National and Community Service, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Patrick Corvington, CEO, Corporation for National and Community Service In School and On Track

CITY YEAR NATIONAL LEADERSHIP SUMMIT ON SERVICE AND EDUCATION

(Los Angeles, CA, May 18, 2010)

Thank you, Michael for that gracious introduction. And thank you for the opportunity to join with City Year as well as the Entertainment Industry Foundation as we shine a spotlight on the essential role of national service in solving America's drop-out crisis.

I want to begin by congratulating Michael and City Year for your visionary leadership in this work. We often hear many stories about young college roommates starting new companies from their dorm rooms and becoming billionaires. Michael and Alan had a different idea. In 1988, these two Harvard Law School roommates enriched us all by acting on their belief in the power of citizen service by creating City Year.

And now as a key member of the AmeriCorps network, City Year and its growing cadre of diverse and talented corps members has become a model for service in America. Thank you, Michael for this gift to the nation.

I also want to thank Lisa Paulsen, President and CEO of the Entertainment Industry Foundation for co-sponsoring this summit and for adding the drop-out crisis to your growing portfolio of service campaigns. Lisa has been a good friend to me and to the Corporation. Last year, under her leadership, EIF launched iParticipate. As part of that effort, last October, more than 100 TV shows focused their programming and storylines on service. EIF has also been a supporter of City Year, ServiceNation and a number of other service organizations. Thank you, Lisa, for inviting Hollywood into our service family.

As many of you know, I was confirmed as CEO of the Corporation for National and Community Service on February 18th, so today marks my third month on the job. I've been out on the road to see the impact that our programs, members and partners are having across the country.

A couple of weeks ago, I was in San Antonio delivering the commencement address at the University of Texas and had the pleasure of seeing the Diplomas Now collaborative in action during a visit to McAuliffe Middle School. One of the most illuminating aspects of that visit was when the school principal told me that City Year and Communities in Schools had been working in McAuliffe for some time. But it was when they chose to partner and focus single-mindedly on helping students that he began to see remarkable progress.

Los Angeles is also a place where Diplomas Now is making a real difference. Early results from two of LA's toughest middle schools—Leicthy and Hollenbeck—show remarkable progress: a 40 percent decrease in students failing math and a 43 percent decrease in students failing English.

I remember coming to this country as an immigrant and hearing from my high school counselor, as he looked across the table with earnest concern, that I wasn't college material and that I should go to trade school—I ended up going to night school and working my way through college. After seeing Diplomas Now in action, I wonder how different my journey would have been had I been surrounded by young people in red jackets who were more interested in seeing me succeed than in telling me that I couldn't.

Your red jackets have become a symbol of hope for a whole generation of young people who might otherwise be shackled with the chains of low expectations.

It is fitting that this summit has brought us here to Los Angeles—a city of many community challenges but also of tremendous assets and wealth. A place where diversity and disparity live side by side.

City Year is changing lives here in LA, in Chicago, Philadelphia, New Orleans and throughout this nation. The results you are achieving show us we have the power to beat back the drop-out crisis, and that service has a central role to play in this effort. Education is the engine that drives our nation's progress. But more than that, it is the gateway to a life of purpose and meaning.

In this global economy, education will be the fault line between success and failure, not only for our young people, but for our country.

Ben Franklin said, ''An investment in knowledge always pays the best dividends.''

There is nothing more critical to the future of this nation than making sure that every school . . . in every community . . . is equipped to give every young person in America the knowledge and the skills . . . to build lives of meaning . . . and to compete and win in the global economy.

But make no mistake—this is an unforgiving competition—one in which there are no excuses for failure and few second chances.

Since our inception, education has been one of our top priorities at the Corporation.

We understand that closing the achievement gap and reducing the drop-out rate requires not only government action, but also the involvement of families and communities. In the past 15 years, we have supported a number of education programs throughout the country.

For example, right here in Los Angeles, through their work with the National Farm Workers Service Center, AmeriCorps members are achieving remarkable results. They are raising reading and math scores for children of families living 60 percent below the poverty line. Families that are too often overlooked and left behind.

I believe one of the significant challenges we face in service today is how we build communities from the inside out while also ensuring that they have access to the best national resource like City Year. That is where success lies. We cannot continue to believe that we can change lives, change communities but leave them out of the change process. We need to do a better job of aligning our resources in communities, engage stake holders, and demonstrate the power of service.

You know, many of us think of ourselves as organizers—movement builders. If we are to use the rhetoric of grass roots organizing, then it should be grass roots and it should be organized.

Only by bringing together national leaders and communities can we demonstrate the power of service in solving problems.

I saw this very thing yesterday when I visited Hope for the Homeless here in L.A. This program is changing the face of AmeriCorps. They have recruited AmeriCorps members who have lived the very lives they are trying to change.

Sitting before me in their blue shirts, they talked about leading lives of purpose, about leading lives of meaning, about realizing what it means to have people depend on them, believe in them.

Some have spent the better parts of their lives in prison, others on the streets, but all in the crippling prison of despair. But all of them—every single one of them, has been transformed by AmeriCorps, by service.

I was struck. Not just by their stories, but also by how similar those stories were to those I've heard from other AmeriCorps members—from NCCC members in Colorado, from VISTA Volunteers in West Virginia, and from City Year members in Texas.

No matter where they come from, no matter what their experience—blue shirts or red jackets, the transformation is real, it is tangible, it is profound.

Transformation is not easy. If it were, we'd have it done by now. It takes courage. The courage to cross boundaries, the courage to reach out of our comfort zones, most of all the courage of humility. But if the AmeriCorps members at Hope for the Homeless have the courage to change their lives, and the City Year Corps members have the courage to go into some of the toughest schools in the toughest communities, then surely we have the courage to be bold.

That's really why all of us are here today. This is not about feeling good and good intentions—it is about the kind of future we are creating for ourselves, our children.

This is an exciting time to be in what I like to call the solutions business. We now have a President and a First Lady who understand something we've known for a very long time—service is not secondary to solving the drop-out crisis and other pressing problems—it is essential to solving them. President Obama has issued a challenge that every American become engaged in some way in their community.

Every American, everyone, has a role, and service can illuminate that path, can help people find themselves in the solution.

Last year, with the help of many of you in this room, the President signed into law the Serve America Act, the most sweeping expansion of national service in a generation.

The Act challenges us to do a better job of demonstrating and measuring our effectiveness in solving problems.

Undergirding that mandate are four major goals: First, to fulfill the promise to make service a solution for big national problems. Second, to expand opportunities for more Americans of all ages and backgrounds to serve. With new and diverse voices come new and innovative ways to approach and solve problems. So we need to embrace innovation by expanding proven programs and seeding promising emerging ones and finally we need to build the capacity of individuals, organizations and communities by giving them the tools they need to succeed.

City Year, with its laser focus on solving the drop-out crisis is a case-study in the fulfillment of all these goals. You are making service a solution. You are expanding opportunities for young people from diverse communities to serve.

And you're building the capacity of teachers, administrators and communities to turnaround failing schools but most of all you are giving students who need it most, the help they need to succeed. The entire service community has much to learn from you.

While Congress has expanded our mandate and given us more resources, the American people now expect us to use this opportunity to take service to the next level.

That means more of a focus on measuring outcomes to ensure that our efforts are making a difference.

At the end of the day, it won't mean a thing if we increase the number of volunteers and a million kids are still dropping out of school. It won't mean a thing if 15 million people are still out of work. It won't mean a thing if our communities continue to decline.

For too long, too many of us have been satisfied with saying that ''we tried.'' That's no longer good enough. We must not only try, we must succeed. But the only way we will be successful, the only way we will win, is if we have the courage to plant a stake in the ground, draw a line in the sand and say that we are willing to be measured, to be judged, to be held to account.

At a time of great need, Americans are responding to President Obama's challenge.

But, to fulfill this new vision for service, we need a stronger investment from every sector. We don't only need more volunteers; we need them focused, like City Year, on solving specific problems. We don't just need more volunteer hours; we need to make sure those hours add up to results.

In order to do this, we need full funding of the President's budget request for the Corporation and its programs. The President's 2011 budget request of $1.4 billion will strengthen our nation's civil society, foster innovation and civic engagement, and engage more than 6 million Americans in solving problems through service. If we make these needed investments. If we face the future with the courage to change. Then, and only then, will we fulfill our commitment to the American people.

So, let me say again, thank you to City Year for showing us the way. Thank you to the young AmeriCorps and City Year members who go into classrooms everyday to mentor, teach, and inspire struggling students. And thank you to everyone in this room who is a part of making service a solution.

The great American educator, Mary McLeod Bethune once said, ''We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power towards good ends.''

What I've seen City Year do in classrooms throughout this country is give young people the hope for a better tomorrow . . . the support they need to overcome the odds . . . the strength and the courage to dream big dreams. And so, I want to say to Michael and the City Year corps members here today, when someone asks you 20 years from now where did you stand when more than half of young people in some of our largest cities were not finishing high school . . . Where did you stand when more than 12 million children were living in poverty . . . where did you stand when we were struggling to lift up students whose dreams were crumbling as fast as the schools around them . . . you can proudly say, I stood with City Year. I stood with AmeriCorps. I stood with service.

Thank you.

ADDITIONAL STATEMENTS

2010 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARD

• Mrs. SHAHEEN. Mr. President, today I congratulate the recipients of the 2010 New Hampshire Excellence in Education Award. The New Hampshire Excellence in Education Awards, or ''ED''ies, honor the best and the brightest among New Hampshire's educators and schools.

For the past 17 years, the ''ED''ies have been presented to teachers, administrators, schools, and school boards who demonstrate the highest level of excellence in education. Outstanding individuals have been compared against criteria set by others in their discipline through their sponsoring organization. Experienced educators and community leaders select outstanding elementary, middle, and secondary schools based upon guidelines established by the New Hampshire Excellence in Education Board of Directors.

It is very important that our children receive a high quality education so that they can succeed in today's global economy. I am proud to recognize this year's recipients who will receive this prestigious award on June 12, 2010, for the positive examples they provide for their peers and the lasting impacts they have made on our future workforce.

The names of the 2010 New Hampshire Excellence in Education Award winners are as follows:

Shelia Adams, Susan Janosz Technology Impact Award.

David April, Meritorious Achievement Award.

Gerard Bastien, Distinguished Music Educator of the Year.

Barbara Belak, Elementary School Counselor of the Year.

Celeste Best, Pat Keyes Technology Award.

Catherine Bond, High School Counselor of the Year.

Daniel J. Clary, Assistant Principal of the Year.

Kathleen Conlin, Special Education Director of the Year.

Andrew Corey, Middle School Principal of the Year.

Anna Marie Davis, School Nurse of the Year.
Moira DeBois, School Psychologist of the Year.
James Dowding, Business Education Achievement Award.
Julia M. Dutton, World Language Teacher of the Year.
Paul Flynn, Outstanding Service Award.
Duane Ford, School Business Administrator of the Year.
Terri Forsten, Supervision and Curriculum Development Award.
Pamela Harland, School Librarian of the Year.
Christine Haswell, Outstanding Community/Business/School Partnership.
Kenneth Heuser, EdD, The Dennise Maslakowski PDK Education Award.
Shea Higley, Family and Consumer Sciences Teacher of the Year.
Michael R. Jette, Secondary School Principal of the Year.
Jennifer Lemoine, D.A.R.E. Officer of the Year.
Robert Mailloux, Middle School Counselor of the Year.
Dr. Michael J. Martin, Superintendent of the Year.
Greta S. Mills, Christa McAuliffe Sabbatical Award.
Teresa Minogue, Presidential Award for Excellence in Math and Science Teaching.
Teresa Morris, Educator of the Gifted Award.
Edward R. Murdough, Alexander J. Blastos Distinguished Service Award.
Eric Nash, Teacher of the Year.
Katy O'Gorman Rhodebeck, Art Educator of the Year.
Joan Ostrowski, Elementary School Principal of the Year.
Janet Prior, English/Language Arts Teacher of the Year.
Julie Ramsey, Educator of the Gifted Award.
Joan Rees, Special Educator of the Year.
Christine Roderick, Reading Teacher of the Year.
Matthew Siranian, Technology Education Teacher of the Year.
Thomas Starratt, Middle School Principal of the Year.
Amy Vandersall, Social Studies Teacher of the Year.
Mascenic Regional School Board, School Board of the Year.
Milan Village School, Elementary School of the Year.
Timberlane Regional Middle School, Middle School of the Year.
Newfound Regional High School, High School of the Year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006, WITH RESPECT TO BELARUS—PM 59

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2010.

Despite the release of internationally recognized political prisoners in the fall of 2008 and our continuing efforts to press for further reforms related to democracy, human rights, and the rule of law in Belarus, serious challenges remain. The actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus democratic processes or institutions, to commit human rights abuses related to political repression, and to engage in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared to deal with this threat and the related measures blocking the property of certain persons.

BARACK OBAMA.
THE WHITE HOUSE, *June 8, 2010*.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 60

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2010.

The crisis constituted by the actions of the persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *June 8, 2010*.

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; with an amendment to the Senate amendment to the bill, in which it requests concurrence of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6037. A communication from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Value-Added Producer Grant Program'' (RIN0570–AA79) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6038. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propenoic acid polymer, with 1,3-butadiene and ethenylbenzene; Tolerance Exemption'' (FRL No. 8827–4) received during

adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6039. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trifloxystrobin; Pesticide Tolerances'' (FRL No. 8829–2) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6040. A communication from the Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Stewardship Program'' (RIN0578–AA43) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6041. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Finland-Public Interest Exception to the Buy American Act'' (DFARS Case 2009–D022) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Armed Services.

EC–6042. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Harold D. Starling II, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6043. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General David P. Valcourt, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6044. A communication from the Assistant Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, a report relative to the destruction of a commercial helicopter under contract with the Department of Defense by hostile fire; to the Committee on Armed Services.

EC–6045. A communication from the Under Secretary of Defense (Logistics and Material Readiness), transmitting, pursuant to law, the Defense Environmental Programs report for fiscal year 2009; to the Committee on Armed Services.

EC–6046. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured DDG 1000 Zumwalt Class Destroyer program; to the Committee on Armed Services.

EC–6047. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Remote Minehunting System (RMS) program; to the Committee on Armed Services.

EC–6048. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Wideband Global SATCOM (WGS) program; to the Committee on Armed Services.

EC–6049. A communication from the Assistant Secretary (Reserve Affairs), Department of Defense, transmitting, pursuant to law, the annual National Guard and Reserve Equipment Report for fiscal year 2011; to the Committee on Armed Services.

EC–6050. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General David A. Deptula, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6051. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled ''96th Annual Report of the Board of Governors of the Federal Reserve System''; to the Committee on Banking, Housing, and Urban Affairs.

EC–6052. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility (75 FR 14356)'' ((44 CFR Part 64)(Docket No. FEMA–2010–000)) received during adjournment of the Senate in the Office of the President of the Senate on June 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6053. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations (75 FR 18088)'' ((44 CFR Part 65)(Docket No. FEMA–2010–000)) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6054. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations (75 FR 18070)'' ((44 CFR Part 65)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6055. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations (75 FR 29199)'' ((44 CFR Part 65) (Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6056. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6057. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Final Flood Elevation Determinations (75 FR 18076)'' ((44 CFR Part 65) (Docket No. FEMA–2010–0003)) received during adjournment of the Senate in the Office of the President of the Senate on June 3, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6058. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC–6059. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of Saudi Arabia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6060. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Municipal Securities Disclosure'' (RIN3235–AJ66) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6061. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Export Administration Regulations: Technical Corrections'' (RIN0694–AE69) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6062. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation Changes from the 2009 Annual Review of the Entity List'' (RIN0694–AE88) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6063. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2009 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6064. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL No. 9139–7) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Environment and Public Works.

EC–6065. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Philadelphia 1997 8-Hour Moderate Ozone Nonattainment Area'' (FRL No. 9160–3) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Environment and Public Works.

EC–6066. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution'' (FRL No. 9160–2) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Environment and Public Works.

EC–6067. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Technical Corrections and Clarifications Rule'' (FRL No. 9158–5) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC–6068. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing; Amendments'' (FRL No. 9158–1) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC–6069. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard'' (FRL No. 9157–4) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC–6070. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Baltimore 1997 8-Hour Moderate Ozone Nonattainment Area'' (FRL No. 9158–4) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC–6071. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Nitrogen Oxide Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries'' (FRL No. 9158–3) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Environment and Public Works.

EC–6072. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards; Withdrawal of Direct Final Rule'' (FRL No. 9157–9) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Environment and Public Works.

EC–6073. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit Section 110 State Implementation Plans for Interstate Transport for the 2006 National Ambient Air Quality Standards for Fine Particulate Matter'' (FRL No. 9159–5) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Environment and Public Works.

EC–6074. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency'' (FRL No. 9158–9) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Environment and Public Works.

EC–6075. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Status of State Small Business Compliance Assistance Programs for 2007–2008; to the Committee on Environment and Public Works.

EC–6076. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: United States and Area Median Gross Income Figures'' (Rev. Proc. 2010–23) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Finance.

EC–6077. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Rev. Proc. 2009–50'' (Rev. Proc. 2010–24) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Finance.

EC–6078. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Over-Withholding and U.S. Tax Avoidance with Respect to Certain Substitute Dividend Payments'' (Notice No. 2010–46) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Finance.

EC–6079. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Health Savings Accounts Inflation Adjustments for 2011'' (Rev. Proc. 2010–22) received in the Office of the President of the Senate on June 7, 2010; to the Committee on Finance.

EC–6080. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long Term Care Hospital Prospective Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act'' (RIN0938–AQ03) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Finance.

EC–6081. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Premiums and Cost Sharing (CMS–2244–FC)'' (RIN0938–AP73) received in the Office of the President of the Senate on May 28, 2010; to the Committee on Finance.

EC–6082. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the Yamal 401 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6083. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the Intelsat 23 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6084. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the Proton launch of the Yamal 402 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6085. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the NIMIQ 6 Commercial Communications Satellite Program of Canada in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–6086. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the transfer of technical data, defense services, and hardware to support the HYLAS 2 Commercial Communications Satellite Program of the United Kingdom in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–6087. A communication from the Executive Analyst, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel of the Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6088. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to animal drug user fees and related expenses for Fiscal Year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–6089. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Auditor's Certification of the District Department of Transportation's Fiscal Year 2008 Performance Accountability Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–6090. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—413, ''Master Public Facilities Plan Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—416, ''Old Naval Hospital Community Obligation Requirements Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—417, ''Medicaid Resource

Maximization Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—418, ''Withholding of Tax on Lottery Winnings Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—419, ''Third and H Streets, N.E., Economic Development Technical Clarification Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—429, ''Legalization of Marijuana for Medical Treatment Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6096. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6097. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Inspector General's Compendium of Unimplemented Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–6098. A communication from the Administrator of the Agency for International Development (USAID), transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6099. A communication from the Secretary of the Department of the Treasury, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Semi-Annual Report of the Treasury Inspector General for Tax Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–6100. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6101. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Management Report and the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6102. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Chairman's Semi-Annual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports; to the Committee on Homeland Security and Governmental Affairs.

EC–6103. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6104. A communication from the Secretary of the Department of Energy, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6105. A communication from the Secretary of the Department of Veterans Affairs, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6106. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6107. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6108. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6109. A communication from the Chair of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Semi-Annual Management Report for the period ending March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6110. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the Attorney General's Semi-Annual Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–6111. A communication from the Section Chief, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''FBI Records Management Division National Name Check Section User Fees'' (RIN1110–AA29) received in the Office of the President of the Senate on May 28, 2010; to the Committee on the Judiciary.

EC–6112. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Automatic Dependent Surveillance—Broadcast (ADS–B) Equipage Mandate to Support Air Traffic Control Service'' ((RIN2120–AI92)(Docket No. FAA–2007–29305)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6113. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the Credit Card Accountability Responsibility and Disclosure Act of 2009; to the Committee on Commerce, Science, and Transportation.

EC–6114. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fees for the Unified Carrier Registration Plan and Agreement'' (RIN2126–AB19) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6115. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Lake Champlain Bridge Construction Zone, NY and VT'' ((RIN1625–AA11)(Docket No. USG–2010–0176)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6116. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment to Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon Oil Spill'' (RIN0648–AY87) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6117. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Jet Route J–120; Alaska'' ((RIN2120–AA66)(Docket No. FAA–2009–0007)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6118. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Marion, IL'' ((RIN2120–AA66)(Docket No. FAA–2009–1154)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6119. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Claremore, OK'' ((RIN2120–AA66)(Docket No. FAA–2009–0538)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6120. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA 05–21242)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6121. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky)

Model S–92A Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0060)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6122. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell-Douglas Corporation Model DC–9–30, DC–9–40, and DC–9–50 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0685)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6123. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI Previously Held by Raytheon Aircraft Company) Model 390 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0158)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6124. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and 145, 145ER, 145MR, 145LR, 145XR, 145MP, and 145EP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0714)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6125. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2C10 (Regional Jet Series 700, 701, and 702) Airplanes, Model CL–600–2D15 (Regional Jet Series 705) Airplanes, and Model CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0792)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6126. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–300, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1066)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6127. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model BD–100–1A10 (Challenger 300) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0475)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6128. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 and Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1254)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6129. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76A, B, and C Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2006–24587)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6130. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0614)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6131. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–200 and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–20–0476)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6132. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Issuance of Airman Medical Certificates to Applicants Being Treated with Certain Antidepressant Medications; Re–Opening of Comment Period'' ((RIN2120–AJ37)(Docket No. FAA–2009–0773)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6133. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalty Inflation Adjustment for Commercial Space Adjudications'' ((RIN2120–AJ63)(Docket No. FAA–2009–1240)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6134. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Parachute Packing Authorization'' ((RIN2120–AJ08)(Docket No. FAA–2007–28518)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6135. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Marianna, AR'' ((RIN2120–AA66)(Docket No. FAA–2009–1167)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6136. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Manila, AR'' ((RIN2120–AA66)(Docket No. FAA–2009–1184)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6137. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mountain View, AR'' ((RIN2120–AA66)(Docket No. FAA–2009–1181)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6138. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Batesville, AR'' ((RIN2120–AA66)(Docket No. FAA–2009–1177)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6139. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Beatrice, NE'' ((RIN2120–AA66)(Docket No. FAA–2009–0697)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6140. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Restricted Area R–2502A; Fort Irwin, CA'' ((RIN2120–AA66)(Docket No. FAA–2010–0471)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6141. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Area Navigation Route Q–15; California'' ((RIN2120–AA66)(Docket No. FAA–2010–0028)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6142. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range; FL'' ((RIN2120–AA66)(Docket No. FAA–2008–1261)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6143. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Teledyne Continental Motors (TCM) 240, 346, 360, 470,

520, and 550 Series and Rolls-Royce Motors, Ltd. (R–RM) IO–240–A Reciprocating Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–1156)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6144. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France (ECF) Model AS332L1 and AS332L2 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0489)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6145. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0491)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6146. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron (Bell) Model 205A, 205A–1, 205B, 212, 412, 412EP, and 412CF and Agusta S.p.A. (Agusta) Model AB412, AB412EP Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2010–0487)) received during adjournment of the Senate in the Office of the President of the Senate on June 4, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 554. A bill to improve the safety of motorcoaches, and for other purposes (Rept. No. 111–202).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 339. A resolution to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings.

S. 446. A bill to permit the televising of Supreme Court proceedings.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Ms. LANDRIEU for the Committee on Small Business and Entrepreneurship.

*Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself, Mrs. MURRAY, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. BEGICH, Mr. CASEY, Mr. DORGAN, Mr. BENNET, Mr. SCHUMER, Mr. FRANKEN, Mrs. FEINSTEIN, Mr. KAUFMAN, and Mr. WHITEHOUSE):

S. 3462. A bill to provide subpoena power to the National Commission on the British Petroleum Oil Spill in the Gulf of Mexico, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 3463. A bill to amend chapter 303 of title 46, United States Code, to provide fair treatment for the families of those killed on the high seas; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 504

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 732

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 732, a bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams.

S. 1011

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1011, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 1204

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1204, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1619

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1836

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1836, a bill to prohibit the Federal Communications Commission from further regulating the Internet.

S. 1966

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2765

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2765, a bill to amend the Small Business Act to authorize loan guarantees for health information technology.

S. 3112

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3112, a bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end certain travel restrictions to Cuba.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3235

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3235, a bill to amend the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior.

S. 3246

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3246, a bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

S. 3266

At the request of Mr. BENNET, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 3266, a bill to ensure the availability of loan guarantees for rural homeowners.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3324

At the request of Mr. BROWN of Ohio, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3324, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3341

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Alaska (Mr. BEGICH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3341, a bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act.

S. 3419

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3419, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Pennsylvania (Mr. CASEY), the Senator from Vermont (Mr. LEAHY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S.J. Res. 29, supra.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. DURBIN, and Mr. WHITEHOUSE):

S. 3463. A bill to amend chapter 303 of title 46, United States Code, to provide fair treatment for the families of those killed on the high seas; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, today I introduce the Survivors Equality Act to ensure that everyone is treated equally under the Death on the High Seas Act. I thank Senator WHITEHOUSE for joining me in this important effort to provide justice for victims. Earlier today, the Senate Judiciary Committee held a hearing to examine liability issues related to the British Petroleum, BP, oil spill disaster in the Gulf of Mexico. The testimony received at this hearing made it clear that several of our laws need updating.

As a result of the BP oil spill, countless Americans in the Gulf Region have been devastated. Waters, fisheries, wetlands, and coastlines, and the wildlife that enriches those environments, have been injured profoundly. Their livelihoods and way of life will take years of hard work to reclaim.

Among the victims of the explosion that led to the oil spill are 11 men who lost their lives on the Deepwater Horizon oil rig. Their families, including more than a dozen children, have experienced a terrible loss. As Congress responds to the needs of the Gulf Region, these men and the families who lost them must have justice. The legislation I introduce today is a step toward that goal.

The Death on the High Seas Act is one of few Federal remedies for the survivors of those who were killed on the Deepwater Horizon. The families of these men cannot seek justice under the laws of their states.

In 2000, in response to a tragic airline crash, Congress amended the Death on the High Seas Act to permit recovery of non-pecuniary losses for the surviving family members of air crash victims. While this was the right thing to do, it did not go far enough. Though well-intentioned, this amendment resulted in an inequity based solely on the manner in which a victim was killed. Congress made some strides in modernizing this law then. Now it must finish the job.

Current law provides greater protection to a person killed in an aircraft disaster over international waters than it does for a person killed in a boat or other ocean vessel such as an oil drilling rig. Under the Act today, the surviving family members of a person wrongfully killed in international waters in a boat or other ocean vessel may only recover pecuniary damages. This means they can only seek the lost income of their loved one, and what that person provided to the family in monetary terms.

Not only is this law internally inconsistent, it is out of the legal mainstream. Families who lose a loved one in a workplace accident on land are eligible for more compensation. For example, the families of the 15 employees who were killed in a 2005 BP Texas City refinery explosion had a full range of legal remedies simply because the facility was on dry land. It is unfair that the men on the Deepwater Horizon are afforded less protection because that facility was at sea. Their jobs were no less dangerous, and their losses no less tragic.

In the Judiciary Committee this morning, Senators heard testimony from Christopher Jones. Mr. Jones' brother, Gordon Jones, was among the 11 men who perished on the Deepwater Horizon rig. He died while working to support his young family. Yet simply because of where he was working, his family has less protection under the law than the survivors of a person who loses their life in an aircraft. This is nonsensical and wrong.

Where Federal law provides an exclusive remedy to those who lose their lives in international waters, it should not be unfair. In the law, as in society, great value is placed on the bonds that hold together families. The destruction of those bonds through the misconduct of another is a loss that is recognized by the law. Today, the Death on the High Seas Act fails to recognize universally what it means to a child who will no longer have the guidance of a loving father or a spouse who will no longer have the care and comfort of a devoted wife or husband. It is time for Congress to finish the work that was started a decade ago and make this law fair for all to whom it applies.

As Congress moves forward to address the terrible tragedy that has occurred in the Gulf of Mexico, I urge all Senators to join me in support of this legislation to help the families of the 11 hardworking Americans who were killed during the explosion.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3463

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Survivors Equality Act of 2010''.

SEC. 2. FAIR TREATMENT FOR THE FAMILIES OF THOSE KILLED ON THE HIGH SEAS.

Chapter 303 of title 46, United States Code, is amended by striking section 30303 and inserting the following:

''§ 30303. Amount and apportionment of recovery

''(a) DEFINITION.—In this section, the term 'nonpecuniary loss' means loss of care, comfort, and companionship.

''(b) RECOVERY.—The recovery in an action under this chapter shall be a fair compensation for the pecuniary and nonpecuniary loss sustained by the individuals for whose benefit the action is brought. The individuals for whose benefit the action is brought may also recover damages for the decedent's predeath pain and suffering.''.

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall take effect on the date of enactment of this Act and apply to any civil action filed on or after that date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4301. Mr. BAUCUS proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4302. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4303. Mr. SESSIONS (for himself and Mrs. MCCASKILL) proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4304. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. KAUFMAN, Mrs. HAGAN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4305. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4306. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4307. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4308. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4309. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4310. Mr. SCHUMER (for himself, Ms. STABENOW, Mr. LEVIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4311. Mr. FRANKEN (for himself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4312. Mr. VITTER (for himself, Mr. GREGG, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4313. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4314. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4315. Mr. SESSIONS (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4316. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4301. Mr. BAUCUS proposed an amendment to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs and Closing Tax Loopholes Act of 2010''.

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

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INFRASTRUCTURE INCENTIVES

Sec. 101. Extension of Build America Bonds.
Sec. 102. Exempt-facility bonds for sewage and water supply facilities.
Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.
Sec. 104. Extension and additional allocations of recovery zone bond authority.
Sec. 105. Allowance of new markets tax credit against alternative minimum tax.
Sec. 106. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.
Sec. 107. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

Sec. 201. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.
Sec. 202. Incentives for biodiesel and renewable diesel.
Sec. 203. Credit for electricity produced at certain open-loop biomass facilities.
Sec. 204. Extension and modification of credit for steel industry fuel.
Sec. 205. Credit for producing fuel from coke or coke gas.
Sec. 206. New energy efficient home credit.
Sec. 207. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
Sec. 208. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 209. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
Sec. 210. Direct payment of energy efficient appliances tax credit.
Sec. 211. Modification of standards for windows, doors, and skylights with respect to the credit for nonbusiness energy property.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

Sec. 221. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 222. Additional standard deduction for State and local real property taxes.
Sec. 223. Deduction of State and local sales taxes.
Sec. 224. Contributions of capital gain real property made for conservation purposes.
Sec. 225. Above-the-line deduction for qualified tuition and related expenses.
Sec. 226. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 227. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.

PART II—LOW-INCOME HOUSING CREDITS

Sec. 231. Election for direct payment of low-income housing credit for 2010.

Subtitle C—Business Tax Relief

Sec. 241. Research credit.
Sec. 242. Indian employment tax credit.
Sec. 243. New markets tax credit.
Sec. 244. Railroad track maintenance credit.
Sec. 245. Mine rescue team training credit.
Sec. 246. Employer wage credit for employees who are active duty members of the uniformed services.
Sec. 247. 5-year depreciation for farming business machinery and equipment.
Sec. 248. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 249. 7-year recovery period for motorsports entertainment complexes.
Sec. 250. Accelerated depreciation for business property on an Indian reservation.
Sec. 251. Enhanced charitable deduction for contributions of food inventory.
Sec. 252. Enhanced charitable deduction for contributions of book inventories to public schools.
Sec. 253. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
Sec. 254. Election to expense mine safety equipment.
Sec. 255. Special expensing rules for certain film and television productions.
Sec. 256. Expensing of environmental remediation costs.
Sec. 257. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 258. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 259. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
Sec. 260. Timber REIT modernization.
Sec. 261. Treatment of certain dividends of regulated investment companies.
Sec. 262. RIC qualified investment entity treatment under FIRPTA.
Sec. 263. Exceptions for active financing income.
Sec. 264. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 265. Basis adjustment to stock of S corps making charitable contributions of property.
Sec. 266. Empowerment zone tax incentives.
Sec. 267. Tax incentives for investment in the District of Columbia.
Sec. 268. Renewal community tax incentives.
Sec. 269. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 270. Payment to American Samoa in lieu of extension of economic development credit.
Sec. 271. Election to temporarily utilize unused AMT credits determined by domestic investment.
Sec. 272. Study of extended tax expenditures.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

Sec. 281. Waiver of certain mortgage revenue bond requirements.
Sec. 282. Losses attributable to federally declared disasters.
Sec. 283. Special depreciation allowance for qualified disaster property.
Sec. 284. Net operating losses attributable to federally declared disasters.
Sec. 285. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 291. Special depreciation allowance for nonresidential and residential real property.
Sec. 292. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 295. Increase in rehabilitation credit.
Sec. 296. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
Sec. 297. Extension of low-income housing credit rules for buildings in GO zones.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single-Employer Plans

Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
Sec. 303. Suspension of certain funding level limitations.
Sec. 304. Lookback for credit balance rule.
Sec. 305. Information reporting.
Sec. 306. Rollover of amounts received in airline carrier bankruptcy.

Subtitle B—Multiemployer Plans

Sec. 311. Optional use of 30-year amortization periods.
Sec. 312. Optional longer recovery periods for multiemployer plans in endangered or critical status.
Sec. 313. Modification of certain amortization extensions under prior law.
Sec. 314. Alternative default schedule for plans in endangered or critical status.
Sec. 315. Transition rule for certifications of plan status.

TITLE IV—REVENUE OFFSETS

Subtitle A—Foreign Provisions

Sec. 401. Rules to prevent splitting foreign tax credits from the income to which they relate.
Sec. 402. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.
Sec. 403. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.
Sec. 404. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.
Sec. 405. Special rule with respect to certain redemptions by foreign subsidiaries.
Sec. 406. Modification of affiliation rules for purposes of rules allocating interest expense.
Sec. 407. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.
Sec. 408. Source rules for income on guarantees.
Sec. 409. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

Sec. 411. Partnership interests transferred in connection with performance of services.
Sec. 412. Income of partners for performing investment management services treated as ordinary income received for performance of services.
Sec. 413. Employment tax treatment of professional service businesses.

Subtitle C—Corporate Provisions

Sec. 421. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.
Sec. 422. Taxation of boot received in reorganizations.

Subtitle D—Other Provisions

Sec. 431. Modifications with respect to Oil Spill Liability Trust Fund.
Sec. 432. Time for payment of corporate estimated taxes.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

Sec. 501. Extension of unemployment insurance provisions.
Sec. 502. Coordination of emergency unemployment compensation with regular compensation.
Sec. 503. Extension of the Emergency Contingency Fund.

Subtitle B—Health Provisions

Sec. 511. Extension of section 508 reclassifications.
Sec. 512. Repeal of delay of RUG-IV.
Sec. 513. Limitation on reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 514. Funding for claims reprocessing.
Sec. 515. Medicaid and CHIP technical corrections.
Sec. 516. Addition of inpatient drug discount program to 340B drug discount program.
Sec. 517. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.
Sec. 518. Conforming amendment related to waiver of coinsurance for preventive services.
Sec. 519. Establish a CMS–IRS data match to identify fraudulent providers.
Sec. 520. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.
Sec. 521. Physician payment update.
Sec. 522. Adjustment to Medicare payment localities.
Sec. 523. Clarification of 3-day payment window.
Sec. 524. Extension of ARRA increase in FMAP.

TITLE VI—OTHER PROVISIONS

Sec. 601. Extension of national flood insurance program.
Sec. 602. Allocation of geothermal receipts.
Sec. 603. Small business loan guarantee enhancement extensions.
Sec. 604. Emergency agricultural disaster assistance.
Sec. 605. Summer employment for youth.
Sec. 606. Housing Trust Fund.
Sec. 607. The Individual Indian Money Account Litigation Settlement Act of 2010.
Sec. 608. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.
Sec. 609. Expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.
Sec. 610. Extension of use of 2009 poverty guidelines.
Sec. 611. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Sec. 612. State court improvement program.
Sec. 613. Qualifying timber contract options.
Sec. 614. Extension and flexibility for certain allocated surface transportation programs.
Sec. 615. Community College and Career Training Grant Program.
Sec. 616. Extensions of duty suspensions on cotton shirting fabrics and related provisions.
Sec. 617. Modification of Wool Apparel Manufacturers Trust Fund.
Sec. 618. Department of Commerce Study.
Sec. 619. ARRA planning and reporting.
Sec. 620. Amendment of Travel Promotion Act of 2009.

TITLE VII—BUDGETARY PROVISIONS

Sec. 701. Budgetary provisions.

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking ''January 1, 2011'' in subsection (a) and inserting ''January 1, 2013''; and

(B) by striking ''January 1, 2011'' in subsection (f)(1)(B) and inserting ''a particular date''.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking ''January 1, 2011'' and inserting ''January 1, 2013''; and

(B) by striking ''QUALIFIED BONDS ISSUED BEFORE 2011'' in the heading and inserting ''CERTAIN QUALIFIED BONDS''.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''35 percent'' and inserting ''the applicable percentage''; and

(3) by adding at the end the following new paragraph:

''(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

''In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent
2012	30 percent''.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF CURRENT REFUNDING BONDS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified bond' includes any bond (or series of bonds) issued to refund a qualified bond if—

''(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

''(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

''(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting ''(including capital expenditures for levees and other flood control projects)'' after ''capital expenditures''.

SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting ''(4), (5),'' after ''(2),''.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking ''(4), (5), (6),'' and inserting ''(6)''.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U–2(b)(1) and section 1400U–3(b)(1)(B) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U–1 is amended by adding at the end the following new subsection:

''(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

''(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

''(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

''(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

''(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

''(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

''(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

''(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term '2009 unemployment number' means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

''(5) 2010 NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is $10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–2 in the same manner as an allocation of national recovery zone economic development bond limitation.

''(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is $15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–3 in the same manner as an allocation of national recovery zone facility bond limitation.''.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U–1(a)(3) is amended by adding at the end the following: ''A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.''.

SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking ''or 2010'' and inserting '', 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

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

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

SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

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

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

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

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

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

SEC. 203. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking ''5-year period'' and inserting ''6-year period''; and

(2) by adding at the end the following: ''In the case of the last year of the 6-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence.''.

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

SEC. 204. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.''.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking ''(or any modification to a facility)''; and

(2) by inserting ''or after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and before January 1, 2011,'' after ''2010,''.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting '', a blend of coal and petroleum coke, or other coke feedstock'' after ''on coal''.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

''With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.''.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.''.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting ''(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))'' after ''service''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 205. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

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

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

SEC. 206. NEW ENERGY EFFICIENT HOME CREDIT.

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

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

SEC. 207. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

''(C) December 31, 2009, in any other case.''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

''(C) December 31, 2009, in any other case.''.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting ''or (E)'' after ''subparagraph (D)''.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

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

SEC. 208. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

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

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

''(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

''(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission's rules applicable to independent transmission providers, and''.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.''.

(c) EFFECTIVE DATE.—

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

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 209. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

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

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

SEC. 210. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SEC. 211. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

''(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

''(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

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

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

SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

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

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

SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.

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

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

SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

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

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

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

SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

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

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

(c) TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

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

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

SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

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

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

PART II—LOW-INCOME HOUSING CREDITS

SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

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

''(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

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

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

''(A) the sum of—

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

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

''(B) 10.

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

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

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

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

Subtitle C—Business Tax Relief

SEC. 241. RESEARCH CREDIT.

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

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

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

SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

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

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

SEC. 243. NEW MARKETS TAX CREDIT.

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

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

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

SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

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

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

SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

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

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45N,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

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

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

SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

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

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

SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

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

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

SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

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

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

SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

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

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

SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

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

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

SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

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

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

SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

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

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

SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

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

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

SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

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

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

SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

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

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

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

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

SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

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

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

SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

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

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

SEC. 260. TIMBER REIT MODERNIZATION.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

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

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

SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

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

(b) EFFECTIVE DATE.—

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

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

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

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

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

SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

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

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

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

SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

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

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

SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

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

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

SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.

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

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

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

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

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

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

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

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

SEC. 267. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

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

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

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

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

(2) LIMITATION ON PERIOD OF GAINS.—

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

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

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

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

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

(e) EFFECTIVE DATES.—

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

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

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

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

SEC. 268. RENEWAL COMMUNITY TAX INCENTIVES.

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

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

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

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

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

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

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

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

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

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

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

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

(f) EFFECTIVE DATES.—

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

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

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

SEC. 269. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

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

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

SEC. 270. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.

The Secretary of the Treasury (or his designee) shall pay $18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

SEC. 271. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

''(7) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—A corporation making an election under this subsection may not

make an election under subparagraph (H) of section 172(b)(1).

''(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

''(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

''(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

''(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

''(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

''(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''53(g),'' after ''53(e),''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''53(g),'' after ''53(e),''.

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

SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

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

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

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

(d) EFFECTIVE DATES.—

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

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

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

SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

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

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

(c) EFFECTIVE DATE.—

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

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

SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

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

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

SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

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

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

SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.

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

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

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

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

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

SEC. 292. TAX-EXEMPT BOND FINANCING.

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

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

Subpart B—GO Zone

SEC. 295. INCREASE IN REHABILITATION CREDIT.

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

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

SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

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

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

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

SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single-Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) ERISA AMENDMENTS.—

(1) IN GENERAL.—Section 303(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)) is amended by adding at the end the following subparagraphs:

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting '15 plan-year period' for '7-plan-year period'.

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

''(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

''(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986,

''(cc) there is no lien in favor of the plan under subsection (k) or under section 430(k) of such Code, and

''(dd) a distress termination has not been initiated for the plan under section 4041(c).

''(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as such Secretary may prescribe.

''(E) APPLICABLE PLAN YEAR.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'applicable plan year' means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

''(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

''(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

''(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

''(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

''(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

''(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

''(bb) the dividend and redemption amount determined under clause (v) for the plan year.

''(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

''(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

''(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

''(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

''(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(iv) EXCESS EMPLOYEE COMPENSATION.—

''(I) IN GENERAL.—For purposes of this paragraph, the term 'excess employee compensation' means the sum of—

''(aa) with respect to any employee, for any plan year, the excess (if any) of—

''(AA) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(BB) $1,000,000, plus

''(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor.

''(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

''(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of the Internal Revenue Code of 1986 for the taxable year ending during such calendar year, and the term 'remuneration' shall include earned income of such an individual.

''(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I)(aa) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

''(VI) COMMISSIONS.—

''(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa)

any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i) of the Internal Revenue Code of 1986) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

''(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

''(aa) such dollar amount, multiplied by

''(bb) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $20,000, such increase shall be rounded to the next lowest multiple of $20,000.

''(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

''(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

''(aa) the excess of—

''(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

''(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(bb) the sum of—

''(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

''(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

''(II) DEFINITIONS.—

''(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term 'adjusted annual net income' with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

''(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term 'dividend base amount' means, with respect to a plan year, an amount equal to the greater of—

''(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

''(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under subclause (I).

''(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

''(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

''(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

''(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

''(BB) are made on account of an employee's termination of employment with the plan sponsor, or the death or disability of a shareholder.

''(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

''(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

''(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

''(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) PLAN SPONSOR.—The term 'plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(II) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

''(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

''(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

''(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

''(G) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

''(H) REGULATIONS AND GUIDANCE.—The Secretary of the Treasury may prescribe such regulations and other guidance of general applicability as such Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).''.

(2) NOTICE REQUIREMENT.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

''(k) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

''(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 303(c)(2)(D) in connection with a single-employer plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

''(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

''(A) a statement that recently enacted legislation permits employers to delay pension funding;

''(B) with respect to required contributions—

''(i) the amount of contributions that would have been required had the election not been made;

''(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

''(iii) the number of plan years to which such reduction will apply;

''(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

''(i) the liabilities determined under section 4010(d)(1)(A); and

''(ii) the market value of assets of the plan; and

''(D) with respect to installment acceleration amounts (as defined in section 303(c)(2)(F)(iii)(I))—

''(i) an explanation of section 303(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

''(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f).

''(3) OTHER REQUIREMENTS.—

''(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant. The Secretary of the Treasury shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

''(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(4) EFFECT OF EGREGIOUS FAILURE.—

''(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any election, such election shall be treated as having not been made.

''(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is in the control of the plan sponsor and is—

''(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

''(ii) a failure to provide most of the participants and beneficiaries with most of the information they are entitled to receive under this subsection, or

''(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

''(5) USE OF NEW TECHNOLOGIES.—The Secretary of the Treasury may, in consultation with the Secretary, by regulations or other guidance of general applicability, allow any notice under this subsection to be provided using new technologies.''.

(C) SUBSEQUENT SUPPLEMENTAL NOTICES.—Section 101(f)(2)(C) of such Act (29 U.S.C. 1021(f)(2)(C)) is amended—

(i) by striking ''and'' at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

''(ii) any excess employee compensation amounts and any dividends and redemptions amounts determined under section 303(c)(2)(F) for the preceding plan year with respect to the plan, and''.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 303(j)(3) of such Act (29 U.S.C. 1083(j)(3)) is amended by adding at the end the following new subparagraph:

''(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).''.

(4) CONFORMING AMENDMENT.—Section 303(c)(1) of such Act (29 U.S.C. 1083(c)(1)) is amended by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection''.

(b) IRC AMENDMENTS.—

(1) IN GENERAL.—Section 430(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following subparagraphs:

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting '15 plan-year period' for '7-plan-year period'.

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

''(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

''(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971,

''(cc) there is no lien in favor of the plan under subsection (k) or under section 303(k) of the Employee Retirement Income Security Act of 1974, and

''(dd) a distress termination has not been initiated for the plan under section 4041(c) of such Act.

''(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as the Secretary may prescribe.

''(E) APPLICABLE PLAN YEAR.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'applicable plan year' means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

''(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

''(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

''(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

''(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

''(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

''(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

''(bb) the dividend and redemption amount determined under clause (v) for the plan year.

''(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

''(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

''(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

''(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

''(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(iv) EXCESS EMPLOYEE COMPENSATION.—

''(I) IN GENERAL.—For purposes of this paragraph, the term 'excess employee compensation' means the sum of—

''(aa) with respect to any employee, for any plan year, the excess (if any) of—

''(AA) the aggregate amount includible in income under chapter 1 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(BB) $1,000,000, plus

''(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor.

''(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

''(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'remuneration' shall include earned income of such an individual.

''(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified

in any material respect before such remuneration is paid.

''(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

''(VI) COMMISSIONS.—

''(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i)) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

''(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

''(aa) such dollar amount, multiplied by

''(bb) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $20,000, such increase shall be rounded to the next lowest multiple of $20,000.

''(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

''(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

''(aa) the excess of—

''(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

''(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(bb) the sum of—

''(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

''(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

''(II) DEFINITIONS.—

''(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term 'adjusted annual net income' with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

''(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term 'dividend base amount' means, with respect to a plan year, an amount equal to the greater of—

''(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

''(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under subclause (I).

''(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

''(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

''(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

''(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

''(BB) are made on account of an employee's termination of employment with the plan sponsor, or the death or disability of a shareholder.

''(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

''(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

''(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

''(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) PLAN SPONSOR.—The term 'plan sponsor' includes any group of which the plan sponsor is a member and which is treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(II) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

''(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

''(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

''(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

''(G) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

''(H) REGULATIONS AND GUIDANCE.—The Secretary may prescribe such regulations and other guidance of general applicability as the Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).''.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 4980F of such Code is amended—

(i) by striking ''subsection (e)'' each place it appears in subsection (a) and paragraphs (1) and (3) of subsection (c) and inserting ''subsections (e) and (f)'';

(ii) by striking ''subsection (e)'' in subsection (c)(2)(A) and inserting ''subsection (e), (f), or both, as the case may be''; and

(iii) by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

''(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 430(c)(2)(D) in connection with a plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

''(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

''(A) a statement that recently enacted legislation permits employers to delay pension funding;

''(B) with respect to required contributions—

''(i) the amount of contributions that would have been required had the election not been made;

''(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

''(iii) the number of plan years to which such reduction will apply;

''(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

''(i) the liabilities determined under section 4010(d)(1)(A) of the Employee Retirement Income Security Act of 1974; and

''(ii) the market value of assets of the plan; and

''(D) with respect to installment acceleration amounts (as defined in section 430(c)(2)(F)(iii)(I))—

''(i) an explanation of section 430(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

''(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f) of the Employee Retirement Income Security Act of 1974.

''(3) OTHER REQUIREMENTS.—

''(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations or other guidance of general applicability prescribed by the Secretary) to allow plan participants and beneficiaries to understand the effect of the election. The Secretary shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

''(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.''.

(B) CONFORMING AMENDMENT.—Subsection (g) of section 4980F of such Code is amended by inserting ''or (f)'' after ''subsection (e)''.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 430(j)(3) of such

Code is amended by adding at the end the following new subparagraph:

''(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).''.

(4) CONFORMING AMENDMENT.—Paragraph (1) of section 430(c) of such Code is amended by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF FUNDING RELIEF TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) ALTERNATIVE ELECTIONS.—

''(1) IN GENERAL.—Subject to this section, a plan sponsor of a plan to which section 104, 105, or 106 of this Act applies may either elect the application of subsection (b) with respect to the plan for not more than 2 applicable plan years or elect the application of subsection (c) with respect to the plan for 1 applicable plan year.

''(2) ELIGIBILITY FOR ELECTIONS.—An election may be made by a plan sponsor under paragraph (1) with respect to a plan only if at the time of the election—

''(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(B) there are no accumulated funding deficiencies (as defined in section 302(a)(2) of the Employee Retirement Income Security Act of 1974 (as in effect immediately before the enactment of this Act) or in section 412(a) of the Internal Revenue Code of 1986 (as so in effect)) with respect to the plan,

''(C) there is no lien in favor of the plan under section 302(d) (as so in effect) or under section 412(n) of such Code (as so in effect), and

''(D) a distress termination has not been initiated for the plan under section 4041(c) of the Employee Retirement Income Security Act of 1974.

''(b) ALTERNATIVE ADDITIONAL FUNDING CHARGE.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of the Employee Retirement Income Security Act of 1974 (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of the Internal Revenue Code of 1986 (as so in effect)—

''(1) the deficit reduction contribution under paragraph (2) of such section 302(d) and paragraph (2) of such section 412(l) for such plan for any applicable plan year, shall be zero, and

''(2) the additional funding charge under paragraph (1) of such section 302(d) and paragraph (1) of such section 412(l) for such plan for any applicable plan year shall be increased by an amount equal to the installment acceleration amount (as defined in sections 303(c)(2)(F)(iii)(I) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 430(c)(2)(F)(iii)(I) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined by treating the later of such plan year or the first plan year beginning after December 31, 2009, as the restriction period.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of such Code (as so in effect)—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in paragraph (4)(C) of such section 302(d) and paragraph (4)(C) of such section 412(l) for any pre-effective date plan year beginning with or after the applicable plan year shall be the ratio of—

''(A) the annual installments payable in each plan year if the increased unfunded new liability for such plan year were amortized in equal installments over the period beginning with such plan year and ending with the last plan year in the period of 15 plan years beginning with the applicable plan year, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year,

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section, and

''(3) the additional funding charge with respect to the plan for a plan year shall be increased by an amount equal to the installment acceleration amount (as defined in section 303(c)(2)(F)(iii) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010 and section 430(c)(2)(F)(iii) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined without regard to subclause (II) of such sections 303(c)(2)(F)(iii) and 430(c)(2)(F)(iii).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE PLAN YEAR.—

''(A) IN GENERAL.—The term 'applicable plan year' with respect to a plan means, subject to the election of the plan sponsor under subsection (a), a plan year beginning in 2009, 2010, or 2011.

''(B) ELECTION.—

''(i) IN GENERAL.—The election described in subsection (a) shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury.

''(ii) REDUCTION IN YEARS WHICH MAY BE ELECTED.—The number of applicable plan years for which an election may be made under section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) or section 430(c)(2)(D) of the Internal Revenue Code of 1986 (as so amended) shall be reduced by the number of applicable plan years for which an election under this section is made.

''(C) ALLOCATION OF INSTALLMENT ACCELERATION AMOUNT FOR MULTIPLE PLAN ELECTION.—In the case of an election under this section with respect to 2 or more plans by the same plan sponsor, the installment acceleration amount shall be apportioned ratably with respect to such plans in proportion to the deficit reduction contributions of the plans determined without regard to subsection (b)(1).

''(2) PLAN SPONSOR.—The term 'plan sponsor' shall have the meaning provided such term in section 303(c)(2)(F)(vi)(I) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and section 430(c)(2)(F)(vi)(I) of the Internal Revenue Code of 1986 (as so amended).

''(3) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(4) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(c)(2) of such Code (as so in effect) equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act (as so in effect) and 412(l)(8)(B) of such Code (as so in effect)) of the plan for the second plan year preceding the first applicable plan year of such plan for which an election under this section is made.

''(5) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act (as so in effect) and section 412(l) of such Code (as so in effect).

''(6) ADDITIONAL FUNDING CHARGE INCREASE NOT TO EXCEED RELIEF.—

''(A) ELECTION UNDER SUBSECTION (B).—In the case of an election under subsection (b), an increase resulting from the application of subsection (b)(2) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

''(i) the deficit reduction contribution under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan year, determined as if the election had not been made, over

''(ii) the deficit reduction contribution under such sections for such plan (determined without regard to any increase under subsection (b)(2)).

''(B) ELECTION UNDER SUBSECTION (C).—An increase resulting from the application of subsection (c)(3) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

''(i) the sum of the deficit reduction contributions under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan for such plan year and for all preceding plan years beginning with or after the applicable plan year, determined as if the election had not been made, over

''(ii) the sum of the deficit reduction contributions under such sections for such plan years (determined without regard to any increase under subsection (c)(3)).

''(e) NOTICE.—Not later 30 days after the date of an election under subsection (a) in connection with a plan, the plan administrator shall provide notice pursuant to, and subject to, rules similar to the rules of sections 204(k) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 4980F(f) of the Internal Revenue Code of 1986 (as so amended).''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of such Act is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan''; and

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

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

''(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

''(2) such employees are employed in at least 20 States,

''(3) each such employee (other than a de minimis number of employees) is employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

''(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.''.

(c) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2009.

SEC. 303. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110–458; 122 Stat. 5118) is amended—

(1) by striking ''the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009'' and inserting ''any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011'';

(2) by striking ''substituting'' and all that follows through ''for such plan year'' and inserting ''substituting for such percentage the plan's adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,''; and

(3) by striking ''for the preceding plan year is greater'' and inserting ''for such last plan year is greater''.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: ''For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).''.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs on or after the date of the enactment of this Act and before January 1, 2011.

(c) APPLICATION OF CREDIT BALANCE WITH RESPECT TO LIMITATIONS ON SHUTDOWN BENEFITS AND UNPREDICTABLE CONTINGENT EVENT BENEFITS.—With respect to plan years beginning on or before December 31, 2011, in applying paragraph (5)(C) of subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 and subsection (f)(3) of section 436 of the Internal Revenue Code of 1986 in the case of unpredictable contingent events (within the meaning of section 206(g)(1)(C) of such Act and section 436(b)(3) of such Code) occurring on or after January 1, 2010, the references, in clause (i) of such paragraph (5)(C) and subparagraph (A) of such subsection (f)(3), to paragraph (1)(B) of such subsection (g) and subsection (b)(2) of such section 436 shall be disregarded.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary.''.

SEC. 305. INFORMATION REPORTING.

(a) IN GENERAL.—Section 4010(b) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1) and inserting the following:

''(1) either of the following requirements are met:

''(A) the funding target attainment percentage (as defined in subsection (d)(2)(B)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; or

''(B) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the contributing sponsor and the members of its controlled group exceed $75,000,000 (disregarding plans with no unfunded vested benefits);''.

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

SEC. 306. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code; and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

Subtitle B—Multiemployer Plans

SEC. 311. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) ELECTIVE SPECIAL RELIEF RULES.—

(1) ERISA AMENDMENT.—Section 304(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new paragraph:

''(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses or gains to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year for which the allocable portion is determined, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

''(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) NET INVESTMENT LOSSES.—

''(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

''(AA) the expected value of the assets as of the end of the plan year, over

''(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

''(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

''(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

''(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

''(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

''Plan year after the plan year in which the net investment loss was incurred	**Allocable portion of net investment loss**
1st	½
2nd	0
3rd	⅙
4th	⅙
5th	⅙

''(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining ½ of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

''(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

''(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

''(B) SOLVENCY TEST.—

''(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

''(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term 'funded percentage' has the meaning provided in section 305(i)(2), except that the value of the plan's assets referred to in section 305(i)(2)(A) shall be the market value of such assets.

''(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 305, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 305(c) or under section 432(c) of the Internal Revenue Code of 1986 or rehabilitation plans adopted under section 305(e) or under section 432(e) of such Code, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

''(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

''(II) the plan's funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner

as the Secretary of the Treasury may prescribe.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such election to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.''.

(2) IRC AMENDMENT.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses and gains to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year for which the allocable portion is determined, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

''(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) NET INVESTMENT LOSSES.—

''(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

''(AA) the expected value of the assets as of the end of the plan year, over

''(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

''(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

''(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

''(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

''(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

''Plan year after the plan year in which the net investment loss was incurred	**Allocable portion of net investment loss**
1st	½
2nd	0
3rd	⅙
4th	⅙
5th	⅙

''(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining ½ of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

''(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

''(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

''(B) SOLVENCY TEST.—

''(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

''(ii) FUNDED PERCENTAGE.—For purposes of clause (i), the term 'funded percentage' has the meaning provided in section 432(i)(2), except that the value of the plan's assets referred to in section 432(i)(2)(A) shall be the market value of such assets.

''(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 432, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 432(c) or under section 305(c) of the Employee Retirement Income Security Act of 1974 or rehabilitation plans adopted under section 432(e) or under section 305(e) of such Act, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

''(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

''(II) the plan's funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I or to comply with other applicable law.

''(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary may prescribe.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such election to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.''.

(b) ASSET SMOOTHING FOR MULTIEMPLOYER PLANS.—

(1) ERISA AMENDMENT.—Section 304(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(c)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary of the Treasury shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.''.

(2) IRC AMENDMENT.—Section 431(c)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the first day of the first plan year beginning after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that

affects the plan's funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

(2) DEEMED APPROVAL FOR CERTAIN FUNDING METHOD CHANGES.—In the case of a multiemployer plan with respect to which an election has been made under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (as amended by this section) or section 431(b)(8) of the Internal Revenue Code of 1986 (as so amended)—

(A) any change in the plan's funding method for a plan year beginning on or after July 1, 2008, and on or before December 31, 2010, from a method that does not establish a base for experience gains and losses to one that does establish such a base shall be treated as approved by the Secretary of the Treasury; and

(B) any resulting funding method change base shall be treated for purposes of amortization as a net experience loss or gain.

SEC. 312. OPTIONAL LONGER RECOVERY PERIODS FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 305(c)(4) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.''.

(2) REHABILITATION PERIOD.—Section 305(e)(4) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)''; and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.''.

(b) IRC AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 432(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.''.

(2) REHABILITATION PERIOD.—Section 432(e)(4) of such Code is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)''; and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funding improvement periods and rehabilitation periods in connection with funding improvement plans and rehabilitation plans adopted or updated on or after the date of the enactment of this Act.

SEC. 313. MODIFICATION OF CERTAIN AMORTIZATION EXTENSIONS UNDER PRIOR LAW.

(a) IN GENERAL.—In the case of an amortization extension that was granted to a multiemployer plan under the terms of section 304 of the Employee Retirement Income Security Act of 1974 (as in effect immediately prior to enactment of the Pension Protection Act of 2006) or section 412(e) of the Internal Revenue Code (as so in effect), the determination of whether any financial condition on the amortization extension is satisfied shall be made by assuming that for any plan year that contains some or all of the period beginning June 30, 2008, and ending October 31, 2008, the actual rate of return on the plan assets was equal to the interest rate used for purposes of charging or crediting the funding standard account in such plan year, unless the plan sponsor elects otherwise in such form and manner as shall be prescribed by the Secretary of Treasury.

(b) REVOCATION OF AMORTIZATION EXTENSIONS.—The plan sponsor of a multiemployer plan may, in such form and manner and after such notice as may be prescribed by the Secretary, revoke any amortization extension described in subsection (a), effective for plan years following the date of the revocation.

SEC. 314. ALTERNATIVE DEFAULT SCHEDULE FOR PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 305(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(c)(7)) is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(2) CRITICAL STATUS.—Section 305(e)(3) of such Act (29 U.S.C. 1085(e)(3)) is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(b) INTERNAL REVENUE CODE AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 432(c)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(2) CRITICAL STATUS.—Section 432(e)(3) of such Code is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to designations of default schedules by plan sponsors on or after the date of the enactment of this Act.

(d) CROSS-REFERENCE.—For sunset of the amendments made by this section, see section 221(c) of the Pension Protection Act of 2006.

SEC. 315. TRANSITION RULE FOR CERTIFICATIONS OF PLAN STATUS.

(a) IN GENERAL.—A plan actuary shall not be treated as failing to meet the requirements of section 305(b)(3)(A) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(A) of the Internal Revenue Code of 1986 in connection with a certification required under such sections the deadline for which is after the date of the enactment of this Act if the plan actuary makes such certification at any time earlier than 75 days after the date of the enactment of this Act.

(b) REVISION OF PRIOR CERTIFICATION.—

(1) IN GENERAL.—If—

(A) a plan sponsor makes an election under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 and section 431(b)(8) of the Internal Revenue Code of 1986, or under section 304(c)(2)(B) of such Act and section 432(c)(2)(B) such Code, with respect to a plan for a plan year beginning on or after October 1, 2009; and

(B) the plan actuary's certification of the plan status for such plan year (hereinafter in

this subsection referred to as ''original certification'') did not take into account any election so made,

then the plan sponsor may direct the plan actuary to make a new certification with respect to the plan for the plan year which takes into account such election (hereinafter in this subsection referred to as ''new certification'') if the plan's status under section 305 of such Act and section 432 of such Code would change as a result of such election. Any such new certification shall be treated as the most recent certification referred to in section 304(b)(3)(B)(iii) of such Act and section 431(b)(8)(B)(iii) of such Code.

(2) DUE DATE FOR NEW CERTIFICATION.—Any such new certification shall be made pursuant to section 305(b)(3) of such Act and section 432(b)(3) of such Code; except that any such new certification shall be made not later than 75 days after the date of the enactment of this Act.

(3) NOTICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any such new certification shall be treated as the original certification for purposes of section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code.

(B) NOTICE ALREADY PROVIDED.—In any case in which notice has been provided under such sections with respect to the original certification, not later than 30 days after the new certification is made, the plan sponsor shall provide notice of any change in status under rules similar to the rules such sections.

(4) EFFECT OF CHANGE IN STATUS.—If a plan ceases to be in critical status pursuant to the new certification, then the plan shall, not later than 30 days after the due date described in paragraph (2), cease any restriction of benefit payments, and imposition of contribution surcharges, under section 305 of such Act and section 432 of such Code by reason of the original certification.

TITLE IV—REVENUE OFFSETS

Subtitle A—Foreign Provisions

SEC. 401. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

''SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

''(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

''(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

''(1) for purposes of section 902 or 960, or

''(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

''(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

''(2) FOREIGN INCOME TAX.—The term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(3) RELATED INCOME.—The term 'related income' means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

''(4) COVERED PERSON.—The term 'covered person' means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the 'payor')—

''(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

''(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

''(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

''(D) any other person specified by the Secretary for purposes of this paragraph.

''(5) SECTION 902 CORPORATION.—The term 'section 902 corporation' means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

''(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

''(1) appropriate exceptions from the provisions of this section, and

''(2) for the proper application of this section with respect to hybrid instruments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''Sec. 909. Suspension of taxes and credits until related income taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after May 20, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 402. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

''(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

''(A) shall not be taken into account in determining the credit allowed under subsection (a), and

''(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

''(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term 'covered asset acquisition' means—

''(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

''(B) any transaction which—

''(i) is treated as an acquisition of assets for purposes of this chapter, and

''(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

''(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

''(D) to the extent provided by the Secretary, any other similar transaction.

''(3) DISQUALIFIED PORTION.—For purposes of this section—

''(A) IN GENERAL.—The term 'disqualified portion' means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

''(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

''(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

''(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

''(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

''(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

''(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

''(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

''(C) BASIS DIFFERENCE.—

''(i) IN GENERAL.—The term 'basis difference' means, with respect to any relevant foreign asset, the excess of—

''(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

''(II) the adjusted basis of such asset immediately before the covered asset acquisition.

''(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

''(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

''(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term 'relevant foreign asset' means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

''(5) FOREIGN INCOME TAX.—For purposes of this section, the term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

''(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after—

(A) May 20, 2010, if the transferor and the transferee are related; and

(B) the date of the enactment of this Act in any other case.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 403. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

''(A) IN GENERAL.—If—

''(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

''(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

''(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

''(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

''(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 404. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

''(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

''(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

''(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after May 20, 2010.

SEC. 405. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) IN GENERAL.—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would not—

''(i) be subject to tax under this chapter for the taxable year in which the dividends arise, or

''(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after May 20, 2010.

SEC. 406. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

''(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

''(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 407. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

''(B) The active foreign business percentage of—

''(i) any dividend paid by an existing 80/20 company, and

''(ii) any interest paid by an existing 80/20 company.''.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

''(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

''(1) EXISTING 80/20 COMPANY.—

''(A) IN GENERAL.—The term 'existing 80/20 company' means any corporation if—

''(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

''(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

''(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

''(B) FOREIGN BUSINESS REQUIREMENTS.—

''(i) IN GENERAL.—A corporation meets the 80-percent foreign business requirements of

this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

''(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term 'active foreign business income' means gross income which—

''(I) is derived from sources outside the United States (as determined under this subchapter), and

''(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

''(iii) TESTING PERIOD.—For purposes of this subsection, the term 'testing period' means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

''(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—The term 'active foreign business percentage' means, with respect to any existing 80/20 company, the percentage which—

''(A) the active foreign business income of such company for the testing period, is of

''(B) the gross income of such company for the testing period from all sources.

''(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraph (A)(i) thereof) and paragraph (2)—

''(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

''(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term 'subsidiary' means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting '50 percent' for '80 percent' each place it appears and without regard to section 1504(b)(3)).

''(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

''(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.''.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking ''or to a debt obligation of a domestic corporation'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 408. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts—

''(A) received with respect to a guarantee of an obligation of a noncorporate resident or domestic corporation, and

''(B) paid by any foreign person with respect to guarantees if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received with respect to guarantees other than those derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts with respect to guarantees''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 409. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking ''In the case of any information'' and inserting the following:

''(A) IN GENERAL.—In the case of any information''; and

(2) by adding at the end the following:

''(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary, in the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

''(A) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

''(B) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 83(b) is amended by inserting ''or subsection (c)(4)(B)'' after ''paragraph (1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

SEC. 412. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

''SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

''(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

''(1) IN GENERAL.—Notwithstanding section 702(b)—

''(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

''(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

''(2) TREATMENT OF LOSSES.—

''(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

''(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

''(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

''(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

''(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

''(D) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

''(3) NET INCOME AND LOSS.—For purposes of this section—

''(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest for any partnership taxable year, the excess (if any) of—

''(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

''(ii) all items of deduction and loss so taken into account.

''(B) NET LOSS.—The term 'net loss' means, with respect to such interest for such year,

the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

''(4) SPECIAL RULE FOR DIVIDENDS.—Any dividend taken into account in determining net income or net loss for purposes of paragraph (1) shall not be treated as qualified dividend income for purposes of section 1(h).

''(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

''(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be—

''(A) treated as ordinary income, and

''(B) recognized notwithstanding any other provision of this subtitle.

''(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

''(A) the aggregate net income with respect to such interest for all partnership taxable years to which this section applies, over

''(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years to which this section applies.

''(3) EXCEPTION FOR CERTAIN DISPOSITIONS OF INTERESTS IN A PUBLICLY TRADED PARTNERSHIP.—

''(A) IN GENERAL.—Paragraphs (1), (2), and (7) shall not apply in the case of an applicable disposition of an investment services partnership interest which is an interest in a publicly traded partnership (as defined in section 7704) if—

''(i) in the case of a disposition described in subparagraph (C)(i), neither the individual nor any member of such individual's family (within the meaning of section 318(a)(1)), or

''(ii) in the case of a disposition described in subparagraph (C)(ii), neither the regulated investment company or real estate investment trust (nor any person related (within the meaning of section 267(b)) to such company),

has (at any time) provided (directly or indirectly through a partnership, S corporation, estate or trust) any of the services described in subsection (c)(1) with respect to assets held (directly or indirectly) by such publicly traded partnership.

''(B) LIMITATION ON APPLICATION OF SECTION.—This paragraph shall apply to an interest in a publicly traded partnership (as defined in section 7704) only if substantially all of such partnership's gross income consists of those items described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)) of section 7704.

''(C) APPLICABLE DISPOSITION.—For purposes of this paragraph, the term 'applicable disposition' means a disposition (directly or indirectly through a partnership, S corporation, estate or trust) by—

''(i) an individual, or

''(ii) either—

''(I) a regulated investment company other than a regulated investment company treated as closely held (within the meaning of section 856(h)(1)), or

''(II) except as provided by the Secretary, a real estate investment trust.

''(4) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(B) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

''(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

''(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

''(5) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

''(6) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

''(A) the excess (if any) of—

''(i) the fair market value of such property at the time of such distribution, over

''(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

''(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

''(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence. In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (4), this paragraph and paragraph (1)(B) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

''(7) APPLICATION OF SECTION 751.—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

''(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held (directly or indirectly) by any person if it was reasonably expected (at the time that such person acquired such interest) that such person (or any person related to such person) would provide (directly or indirectly) a substantial quantity of any of the following services with respect to assets held (directly or indirectly) by the partnership:

''(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

''(B) Managing, acquiring, or disposing of any specified asset.

''(C) Arranging financing with respect to acquiring specified assets.

''(D) Any activity in support of any service described in subparagraphs (A) through (C).

''(2) SPECIFIED ASSET.—The term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to any of the foregoing.

''(3) EXCEPTION FOR FAMILY FARMS.—The term 'specified asset' shall not include any farm used for farming purposes if such farm is held by a partnership all of the interests in which are held (directly or indirectly) by members of the same family. Terms used in the preceding sentence which are also used in section 2032A shall have the same meaning as when used in such section.

''(4) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b).

''(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

''(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of income, gain, loss, and deduction which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

''(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(1) and who are not related to the partner holding the qualified capital interest, and

''(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

''(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

''(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

''(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of income, gain, loss, and deduction shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

''(C) ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

''(3) SPECIAL RULE FOR CHANGES IN SERVICES.—In the case of an interest in a partnership which is not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership, would (without regard to the reasonable expectation exception of subsection (c)(1)) have become such an interest—

''(A) notwithstanding subsection (c)(1), such interest shall be treated as an investment services partnership interest as of the time of such change, and

''(B) for purposes of this subsection, the qualified capital interest of the holder of such partnership interest immediately after such change shall not be less than the fair market value of such interest (determined immediately before such change).

''(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

''(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(1) which are provided (directly

or indirectly) to the partnership by the holder of such interest (or a related person).

''(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

''(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

''(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

''(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified capital interest' means so much of a partner's interest in the capital of the partnership as is attributable to—

''(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

''(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

''(iii) the excess (if any) of—

''(I) any items of income and gain taken into account under section 702 with respect to such interest, over

''(II) any items of deduction and loss so taken into account.

''(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

''(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

''(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

''(8) TREATMENT OF CERTAIN LOANS.—

''(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership).

''(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NON-SERVICE PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(1) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

''(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

''(1) IN GENERAL.—If—

''(A) a person performs (directly or indirectly) investment management services for any entity,

''(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

''(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(4) and (d) shall apply for purposes of this subsection.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) DISQUALIFIED INTEREST.—

''(i) IN GENERAL.—The term 'disqualified interest' means, with respect to any entity—

''(I) any interest in such entity other than indebtedness,

''(II) convertible or contingent debt of such entity,

''(III) any option or other right to acquire property described in subclause (I) or (II), and

''(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) a partnership interest,

''(II) except as provided by the Secretary, any interest in a taxable corporation, and

''(III) except as provided by the Secretary, stock in an S corporation.

''(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

''(i) a domestic C corporation, or

''(ii) a foreign corporation substantially all of the income of which is—

''(I) effectively connected with the conduct of a trade or business in the United States, or

''(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

''(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1).

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

''(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

''(2) prevent the avoidance of the purposes of this section, and

''(3) coordinate this section with the other provisions of this title.

''(g) SPECIAL RULES FOR INDIVIDUALS.—In the case of an individual—

''(1) IN GENERAL.—Subsection (a)(1) shall apply only to the applicable percentage of the net income or net loss referred to in such subsection.

''(2) DISPOSITIONS, ETC.—The amount which (but for this paragraph) would be treated as ordinary income by reason of subsection (b) or (e) shall be the applicable percentage of such amount.

''(3) PRO RATA ALLOCATION TO ITEMS.—For purposes of applying subsections (a) and (e), the aggregate amount treated as ordinary income for any such taxable year shall be allocated ratably among the items of income, gain, loss, and deduction taken into account in determining such amount.

''(4) SPECIAL RULE FOR RECOGNITION OF GAIN.—Gain which (but for this section) would not be recognized shall be recognized by reason of subsection (b) only to the extent that such gain is treated as ordinary income after application of paragraph (2).

''(5) COORDINATION WITH LIMITATION ON LOSSES.—For purposes of applying paragraph (2) of subsection (a) with respect to any net loss for any taxable year—

''(A) such paragraph shall only apply with respect to the applicable percentage of such net loss for such taxable year,

''(B) in the case of a prior partnership taxable year referred to in clause (i) or (ii) of subparagraph (A) of such paragraph, only the applicable percentage (as in effect for such prior taxable year) of net income or net loss for such prior partnership taxable year shall be taken into account, and

''(C) any net loss carried forward to the succeeding partnership taxable year under subparagraph (B) of such paragraph shall—

''(i) be taken into account in such succeeding year without reduction under this subsection, and

''(ii) in lieu of being taken into account as an item of loss in such succeeding year, shall be taken into account—

''(I) as an increase in net loss or as a reduction in net income (including below zero), as the case may be, and

''(II) after any reduction in the amount of such net loss or net income under this subsection.

A rule similar to the rule of the preceding sentence shall apply for purposes of subsection (b)(2)(A).

''(6) COORDINATION WITH TREATMENT OF DIVIDENDS.—Subsection (a)(4) shall only apply to the applicable percentage of dividends described therein.

''(7) APPLICABLE PERCENTAGE.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 65 percent (50 percent in the case of any taxable year beginning before January 1, 2013).

''(B) EXCEPTIONS FOR SALES OF ASSETS HELD AT LEAST 7 YEARS.—In the case of any taxable year beginning after December 31, 2012, the applicable percentage shall be 55 percent with respect to any net income or net loss under subsection (a)(1), or any income or gain under subsection (e), which is properly allocable to gain or loss from the sale or exchange of any asset which is held at least 7 years.

''(h) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.''.

(b) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended by adding at the end the following new paragraph:

''(6) INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS NOT QUALIFIED.—

''(A) IN GENERAL.—Items of income and gain shall not be treated as qualifying income if such items are treated as ordinary income by reason of the application of section 710 (relating to special rules for partners providing investment management services to partnership). The preceding sentence shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

''(B) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

''(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

''(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

''(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

''(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

''(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

''(C) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.''.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

''(8) The application of subsection (e) of section 710 or the regulations prescribed under section 710(f) to prevent the avoidance of the purposes of section 710.''.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

''(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking ''or (i)'' and inserting '', (i), or (k)''.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking ''paragraph (3)'' in paragraph (5)(A), as so redesignated, and inserting ''paragraph (4)''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(8) unless—

''(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

''(ii) there is or was substantial authority for such treatment, and

''(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

''(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).''.

(d) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—Section 1402(a) is amended by striking ''and'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ''; and'', and by inserting after paragraph (17) the following new paragraph:

''(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) of the Internal Revenue Code of 1986 with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 of such Code with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting ''section 710(b)(4) (relating to distributions of partnership property),'' after ''to the extent otherwise provided by''.

(2) Section 741 is amended by inserting ''or section 710 (relating to special rules for partners providing investment management services to partnership)'' before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

''Sec. 710. Special rules for partners providing investment management services to partnership.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2010.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes December 31, 2010, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after December 31, 2010.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on December 31, 2010.

SEC. 413. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.

(a) IN GENERAL.—Section 1402 is amended by adding at the end the following new subsection:

''(m) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 which are attributable to such business in determining the shareholder's net earnings from self-employment.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1)) who does not provide substantial services with respect to such professional service business.

''(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term 'disqualified S corporation' means—

''(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

''(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any partner who provides substantial services with respect to such professional service business.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

''(5) CROSS REFERENCE.—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.''.

(b) CONFORMING AMENDMENT.—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

''(l) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business in determining the shareholder's net earnings from self-employment.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary of the Treasury, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

''(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term 'disqualified S corporation' means—

''(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

''(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any partner who provides substantial services with respect to such professional service business.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Corporate Provisions

SEC. 421. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

''(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

''(1) this section shall be applied by substituting 'stock other than nonqualified preferred stock (as defined in section 351(g)(2))' for 'stock or securities' in subsections (a) and (b)(1), and

''(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 422. TAXATION OF BOOT RECEIVED IN REORGANIZATIONS.

(a) IN GENERAL.—Paragraph (2) of section 356(a) is amended—

(1) by striking ''If an exchange'' and inserting ''Except as otherwise provided by the Secretary—

''(A) IN GENERAL.—If an exchange'';

(2) by striking ''then there shall be'' and all that follows through ''February 28, 1913'' and inserting ''then the amount of other property or money shall be treated as a dividend to the extent of the earnings and profits of the corporation''; and

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

''(B) CERTAIN REORGANIZATIONS.—In the case of a reorganization described in section 368(a)(1)(D) to which section 354(b)(1) applies or any other reorganization specified by the Secretary, in applying subparagraph (A)—

''(i) the earnings and profits of each corporation which is a party to the reorganization shall be taken into account, and

''(ii) the amount which is a dividend (and source thereof) shall be determined under rules similar to the rules of paragraphs (2) and (5) of section 304(b).''.

(b) EARNINGS AND PROFITS.—Paragraph (7) of section 312(n) is amended by adding at the end the following: ''A similar rule shall apply to an exchange to which section 356(a)(1) applies.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 356(a) is amended by striking ''then the gain'' and inserting ''then (except as provided in paragraph (2)) the gain''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange between unrelated persons pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described in a public announcement or filing with the Securities and Exchange Commission on or before such date.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

Subtitle D—Other Provisions

SEC. 431. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) is amended to read as follows:

''(B) the Oil Spill Liability Trust Fund financing rate is 41 cents a barrel.''.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) is amended—

(1) by striking ''$1,000,000,000'' in clause (i) and inserting ''$5,000,000,000'';

(2) by striking ''$500,000,000'' in clause (ii) and inserting ''$2,500,000,000''; and

(3) by striking ''$1,000,000,000 PER INCIDENT, ETC'' in the heading and inserting ''PER INCIDENT LIMITATIONS''.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SEC. 432. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

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

(A) by striking ''June 2, 2010'' each place it appears and inserting ''November 30, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

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

(A) in paragraph (1)(B), by striking ''June 2, 2010'' and inserting ''November 30, 2010'';

(B) in the heading for paragraph (2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in paragraph (3), by striking ''December 7, 2010'' and inserting ''May 31, 2011''.

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

(A) by striking ''June 2, 2010'' each place it appears and inserting ''December 1, 2010''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''May 1, 2011''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

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

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

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and''.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before ''shall apply'' the following: ''(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

''(1) If—

''(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

''(B) that benefit year has expired,

''(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

''(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either $100 or 25 percent less than the individual's weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

''(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

''(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

''(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph(1)(A);

''(C) The State shall pay, if permitted by State law—

''(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

''(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

''(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 503. EXTENSION OF THE EMERGENCY CONTINGENCY FUND.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for fiscal year 2011, $2,500,000,000'' before ''for payment'';

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

''(B) AVAILABILITY AND USE OF FUNDS.—

''(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

''(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

''(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, $500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.'';

(3) in paragraph (2)(C), by striking ''2010'' and inserting ''2012'';

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking ''year 2009 or 2010'' and inserting ''years 2009 through 2011'';

(ii) by striking ''and'' at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting ''; and''; and

(iv) by adding at the end the following:

''(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).''; and

(B) in subparagraph (C), by adding at the end the following:

''(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

''(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

''(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.'';

(5) by striking paragraph (5) and inserting the following:

''(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.—

''(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

''(B) FISCAL YEAR 2011.—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

''(C) ADJUSTMENT AUTHORITY.—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

''(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

''(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.''; and

(6) in paragraph (6), by inserting ''or for expenditures described in paragraph (3)(C)(iv)'' before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

Subtitle B—Health Provisions

SEC. 511. EXTENSION OF SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of Public Law 111–148, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173)), is amended by inserting ''in fiscal years 2008 and 2009'' after ''For purposes of implementation of this subsection''.

SEC. 512. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

SEC. 513. LIMITATION ON REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 3122 of Public Law 111–148 is repealed and the provision of law amended by such section is restored as if such section had not been enacted.

SEC. 514. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 515. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 6502 of Public Law 111–148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Effective as if included in

the enactment of Public Law 111–148, section 2001(a)(5)(B) of such Act is amended by striking all that follows ''is amended'' and inserting the following: ''by inserting after '100 percent' the following: '(or, beginning January 1, 2014, 133 percent)'.''.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: ''The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.''.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''PER PERSON'' in the heading; and

(B) by striking ''each employee'' and inserting ''employees''; and

(2) in subparagraph (C), by striking '', on a case-by-case basis,''.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking ''reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)'' and inserting ''reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)''; and

(2) in paragraph (6)(B), by inserting before the period the following: ''and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost''.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking ''and'' before ''(XVI) the medical'' and by striking ''(XVI) if'' and inserting ''(XVII) if''; and

(B) in subsection (ii)(2), by striking ''(XV)'' and inserting ''(XVI)''.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 516. ADDITION OF INPATIENT DRUG DISCOUNT PROGRAM TO 340B DRUG DISCOUNT PROGRAM.

(a) ADDITION OF INPATIENT DRUG DISCOUNT.—Title III of the Public Health Service Act is amended by inserting after section 340B (42 U.S.C. 256b) the following:

''SEC. 340B–1. DISCOUNT INPATIENT DRUGS FOR INDIVIDUALS WITHOUT PRESCRIPTION DRUG COVERAGE.

''(a) REQUIREMENTS FOR AGREEMENTS WITH THE SECRETARY.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—The Secretary shall enter into an agreement with each manufacturer of covered inpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered inpatient drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after January 1, 2011, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2). For a covered inpatient drug that also is a covered outpatient drug under section 340B, the amount required to be paid under the preceding sentence shall be equal to the amount required to be paid under section 340B(a)(1) for such drug. The agreement with a manufacturer under this subparagraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B.

''(B) CEILING PRICE.—Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered inpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered inpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

''(C) ALLOCATION METHOD.—Each such agreement shall require that, if the supply of a covered inpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section.

''(2) REBATE PERCENTAGE DEFINED.—

''(A) IN GENERAL.—For a covered inpatient drug purchased in a calendar quarter, the 'rebate percentage' is the amount (expressed as a percentage) equal to—

''(i) the average total rebate required under section 1927(c) of the Social Security Act (or the average total rebate that would be required if the drug were a covered outpatient drug under such section) with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

''(ii) the average manufacturer price for such a unit of the drug during such quarter.

''(B) OVER THE COUNTER DRUGS.—

''(i) IN GENERAL.—For purposes of subparagraph (A), in the case of over the counter drugs, the 'rebate percentage' shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(3) of such Act.

''(ii) DEFINITION.—The term 'over the counter drug' means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

''(3) DRUGS PROVIDED UNDER STATE MEDICAID PLANS.—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

''(4) REQUIREMENTS FOR COVERED ENTITIES.—

''(A) PROHIBITING DUPLICATE DISCOUNTS OR REBATES.—

''(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

''(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

''(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

''(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

''(i) such person is a patient of the entity; and

''(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

''(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary's or the manufacturer's expense the records of the entity that directly pertain to the entity's compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

''(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

''(E) MAINTENANCE OF RECORDS.—

''(i) IN GENERAL.—A covered entity shall establish and maintain an effective recordkeeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

''(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

''(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

''(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

''(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

''(b) COVERED ENTITY DEFINED.—In this section, the term 'covered entity' means an entity that meets the requirements described in subsection (a)(4) and is one of the following:

''(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

''(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

''(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 20.20 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

''(2) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

''(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

''(c) OTHER DEFINITIONS.—In this section:

''(1) AVERAGE MANUFACTURER PRICE.—

''(A) IN GENERAL.—The term 'average manufacturer price'—

''(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

''(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

''(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

''(2) COVERED INPATIENT DRUG.—The term 'covered inpatient drug' means a drug—

''(A) that is described in section 1927(k)(2) of the Social Security Act;

''(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

''(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

''(3) HEALTH PLAN COVERAGE.—The term 'health plan coverage' means—

''(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

''(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

''(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

''(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

''(4) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in section 1927(k) of the Social Security Act.

''(d) PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

''(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

''(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

''(III) Conducting periodic monitoring of sales transactions by covered entities.

''(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

''(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

''(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

''(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

''(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

''(iv) The development of a mechanism by which—

''(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

''(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(vii) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

''(II) shall not exceed $10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

''(III) shall not exceed $100,000 for each instance where a manufacturer withholds or

provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

''(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity's purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

''(II) shall not exceed $10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

''(vi) The termination of a covered entity's participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

''(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

''(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

''(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

''(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

''(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

''(e) AUDIT AND SANCTIONS.—

''(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the 'Inspector General') shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

''(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

''(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

''(B) the effectiveness of antidiversion prohibitions; and

''(C) the effectiveness of restrictions on inpatient dispensing and administration.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.''.

(b) RULEMAKING.—Not later than January 1, 2011, the Secretary shall promulgate regulations implementing section 340B–1 of the Public Health Service Act (as added by subsection (a)).

(c) CONFORMING AMENDMENT TO SECTION 340B.—Paragraph (1) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: ''Such agreement shall further require that, if the supply of a covered outpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section. The agreement with a manufacturer under this paragraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B–1.''.

(d) CONFORMING AMENDMENTS TO MEDICAID.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking ''and paragraph (6)'' and inserting '', paragraph (6), and paragraph (8)''; and

(B) by adding at the end the following new paragraph:

''(8) LIMITATION ON PRICES OF DRUGS PURCHASED BY 340B–1-COVERED ENTITIES.—

''(A) AGREEMENT WITH SECRETARY.—A manufacturer meets the requirements of this paragraph if the manufacturer has entered into an agreement with the Secretary that meets the requirements of section 340B–1 of the Public Health Service Act with respect to covered inpatient drugs (as defined in such section) purchased by a 340B–1-covered entity on or after January 1, 2011.

''(B) 340B–1-COVERED ENTITY DEFINED.—In this subsection, the term '340B–1-covered entity' means an entity described in section 340B–1(b) of the Public Health Service Act.''; and

(2) in subsection (c)(1)(C)(i)(I)—

(A) by striking ''or'' before ''a covered entity''; and

(B) by inserting before the semicolon the following: '', or a covered entity for a covered inpatient drug (as such terms are defined in section 340B–1of the Public Health Service Act)''.

SEC. 517. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)''and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking ''and a children's hospital'' and all that follows through the end of the subparagraph and inserting a period.

SEC. 518. CONFORMING AMENDMENT RELATED TO WAIVER OF COINSURANCE FOR PREVENTIVE SERVICES.

Effective as if included in section 10501(i)(2)(A) of Public Law 111–148, section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 13951(a)(3)(A)) is amended by striking ''section 1861(s)(10)(A)'' and inserting ''section 1861(ddd)(3)''.

SEC. 519. ESTABLISH A CMS–IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

''(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer;

''(ii) the amount of the delinquent tax debt owed by that taxpayer; and

''(iii) the taxable year to which the delinquent tax debt pertains.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

''(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term 'delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement

under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111–148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking ''or (17)'' and inserting ''(17), or (22)'' each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111–148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

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

''(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.''.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(5) of the Social Security Act (42 U.S.C. 1395cc(j)(5)), as inserted by section 6401(a) of Public Law 111–148, is amended—

(1) in the paragraph heading, by striking ''PAST-DUE'' and inserting ''MEDICARE'';

(2) in subparagraph (A), by striking ''past-due obligations described in subparagraph (B)(ii) of an'' and inserting ''amount described in subparagraph (B)(ii) due from such''; and

(3) in subparagraph (B)(ii), by striking ''a past-due obligation'' and inserting ''an amount that is more than the amount required to be paid''.

SEC. 520. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

''(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made after the date of the enactment of this Act.''.

SEC. 521. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (10), in the heading, by striking ''PORTION'' and inserting ''THE FIRST 5 MONTHS''; and

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

''(11) UPDATE FOR THE LAST 7 MONTHS OF 2010.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.2 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

''(12) UPDATE FOR 2011.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 1.0 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.''.

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

SEC. 522. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C.1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

''(A) IN GENERAL.—

''(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2012, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

''(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an 'MSA'), as defined by the Director of the Office of Management and Budget as of the date of the enactment of this paragraph, as the basis for the fee schedule areas.

''(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest-of-State MSA and any reference in this paragraph to an MSA shall be deemed to include a reference to such rest-of-State MSA.

''(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a 'GAF') in descending order.

''(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

''(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of the all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA's GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area.

''(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFs is less than 1.05, and the remaining group of MSAs with lower GAFs shall be treated as a single rest-of-State fee schedule area.

''(VII) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

''(ii) TRANSITION.—For services furnished on or after January 1, 2012, and before January 1, 2017, in the State of California, after calculating the work, practice expense, and malpractice geographic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index that would otherwise be in effect for such county, the Secretary shall instead apply the index that would otherwise be in effect for such county.

''(B) SUBSEQUENT REVISIONS.—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

''(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2012, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.''.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking ''The term'' and inserting ''Except as provided in subsection (e)(6)(C), the term''.

SEC. 523. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: ''In applying the first sentence of this paragraph, the term 'other services related to the admission' includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

''(A) on the date of the patient's inpatient admission; or

''(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.''; and

(2) in subsection (d)(7)—

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

(B) in subparagraph (B), by striking the period and inserting '', and''; and

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

''(C) the determination of whether services provided prior to a patient's inpatient admission are related to the admission (as described in subsection (a)(4)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient's inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient's inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

SEC. 524. EXTENSION OF ARRA INCREASE IN FMAP.

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

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

(2) in subsection (c)—

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

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

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

(3) in subsection (e), by adding at the end the following:

''Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.'';

(4) in subsection (g)—

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

(B) in paragraph (2), by inserting ''of such Act'' after ''1923''; and

(C) by adding at the end the following:

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

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

TITLE VI—OTHER PROVISIONS

SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 7(a) of Public Law 111–157, is amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''.

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

SEC. 602. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 603. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2010''.

(c) APPROPRIATION.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

SEC. 604. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue

for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) ADMINISTRATIVE COSTS.—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) ADMINISTRATION OF GRANTS.—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 605. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading ''Department of Labor–Departmental Management–Salaries and Expenses'', shall remain available for obligation through September 30, 2011.

SEC. 606. HOUSING TRUST FUND.

(a) FUNDING.—There is hereby appropriated for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), $1,065,000,000, for use under such section: *Provided*, That of the total amount provided under this heading, $65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance to be allocated to States to be used solely in conjunction with grant funds awarded under such section 1338, pursuant to the formula established under section 1338 and taking into account different per unit subsidy needs among states, as determined by the Secretary.

(b) AMENDMENTS.—Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(A) by inserting after the period at the end the following: ''Notwithstanding any other provision of law, for the fiscal year following enactment of this sentence and thereafter, the Secretary may make such notice available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.'';

(B) in paragraph (5)(C), by striking ''(8)'' and inserting ''(9)''; and

(C) in paragraph (7)(A)—

(i) by striking ''section 1335(a)(2)(B)'' and inserting ''section 1335(a)(1)(B)''; and

(ii) by inserting ''the units funded under'' after ''75 percent of''; and

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

''(k) ENVIRONMENTAL REVIEW.—For the purpose of environmental compliance review, funds awarded under this section shall be subject to section 288 of the HOME Investment Partnerships Act (12 U.S.C. 12838) and shall be treated as funds under the program established by such Act.''.

SEC. 607. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the ''Individual Indian Money Account Litigation Settlement Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludible income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

SEC. 608. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term ''Pigford claim'' has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Secretary of Agriculture $1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(B) by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (e);

(3) in subsection (g), by striking ''subsection (f)'' and inserting ''subsection (e)'';

(4) in subsection (i)—

(A) by striking ''(1) IN GENERAL.—Of the funds'' and inserting ''Of the funds''; and

(B) by striking paragraph (2);

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

SEC. 609. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

''(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

''(1) PAYMENT OF BOTH REQUIRED.—

''(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

''(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

''(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

''(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

''(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

''(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61

with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

''(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

''(ii) January 1, 2012, rated 80 percent or 70 percent.

''(iii) January 1, 2013, rated 60 percent or 50 percent.

''(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2014, rated 40 percent or 30 percent.

''(ii) January 1, 2015, any rating.

''(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

''(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

''(B) shall not apply beyond the termination date specified in paragraph (1)(D).''.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

''(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

''(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

''(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.''.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking ''the second sentence of''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1414. Concurrent receipt of retired pay and veterans' disability compensation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

''1414. Concurrent receipt of retired pay and veterans' disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 610. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended—

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

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

SEC. 611. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

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

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

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

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

SEC. 612. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 613. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 614. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(3) by adding at the end the following:

''(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

''(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA–LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State's share of the funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

''(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

''(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

''(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

''(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

''(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).''.

(b) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2010'' and inserting ''American Jobs and Closing Tax Loopholes Act of 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) OBLIGATION AUTHORITY.—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—The limitation under the heading ''Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)'' in Public Law 111–117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

SEC. 615. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

(a) IN GENERAL.—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—For purposes of this section, any reference to 'workers', 'workers eligible for training under section 236', or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 85(b) of the Internal Revenue Code of 1986, or who remain unemployed after exhausting all rights to such compensation.''.

(b) DEFINITION OF ELIGIBLE INSTITUTION.—Section 278(b)(1) of the Trade Act of 1974 (19 U.S.C. 2372(b)(1)) is amended—

(1) by striking ''section 102'' and inserting ''section 101(a)''; and

(2) by striking ''1002'' and inserting ''1001(a)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

''(c) ADMINISTRATIVE AND RELATED COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) for each fiscal year to administer, evaluate, and establish reporting systems for the Community College and Career Training Grant program under section 278.

''(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under subsection (b) shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

''(e) AVAILABILITY.—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year.''.

SEC. 616. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective date column and inserting ''12/31/2013'':

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''amounts determined by the Secretary'' and all that follows through ''5208.59.80'' and inserting ''amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208''; and

(B) in paragraph (2), by striking ''October 1, 2008'' and inserting ''December 31, 2013'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1), by inserting ''during the year in which the affidavit is filed and'' after ''imported cotton fabric''; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1), by inserting ''during the year in which the affidavit is filed and'' after ''United States''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply with respect to affidavits filed on or after such date of enactment.

SEC. 617. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended by striking ''chapter 51'' and inserting ''chapter 62''.

(b) FULL RESTORATION OF PAYMENT LEVELS IN FISCAL YEAR 2010.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 62 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

SEC. 618. DEPARTMENT OF COMMERCE STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall report to Congress detailing—

(1) the pattern of job loss in the New England, Mid-Atlantic, and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

SEC. 619. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting ''PLANS AND'' after ''AGENCY'';

(B) by striking ''Not later than'' and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

''(A) in an amount that is—

''(i) more than $2,000,000,000; and

''(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

''(B) that did not exist before the date of enactment of this Act.

''(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

''(A) a description of the goals for the covered program using recovery funds;

''(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

''(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

''(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

''(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

''(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

''(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

''(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

''(i) discusses the progress of the agency in implementing the plan;

''(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

''(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

''(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

''(v) discusses—

''(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

''(II) if the covered program has failed to meet the milestones, the reasons why; and

''(III) any changes in the milestones for the covered program, including the reasons for the change;

''(vi) discusses the performance of the covered program, including—

''(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

''(II) if the covered program has failed to meet the performance measures, the reasons why; and

''(III) any trends in information relating to the performance of the covered program; and

''(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.'';

(2) in subsection (f)—

(A) by striking ''Within 180 days'' and inserting the following:

''(1) IN GENERAL.—Within 180 days''; and

(B) by adding at the end the following:

''(2) PENALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than $250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

''(B) NOTIFICATION.—

''(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

''(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

''(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

''(i) the number of times the recipient has failed to provide the information required under subsection (c);

''(ii) the amount of recovery funds provided to the recipient;

''(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

''(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

''(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

''(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United

States or any other person under Federal or State law.

''(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

''(4) PUBLIC LISTING.—

''(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

''(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

''(5) REGULATIONS AND REPORTING.—

''(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

''(B) REPORTING.—

''(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include—

''(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

''(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

''(III) any other information determined appropriate by the Director.''; and

(3) by adding at the end the following:

''(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.''.

SEC. 620. AMENDMENT OF TRAVEL PROMOTION ACT OF 2009.

(a) TRAVEL PROMOTION FUND FEES.—Section 217(h)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)) is amended—

(1) by striking ''subsection (d) of section 11 of the Travel Promotion Act of 2009.'' in clause (ii) and inserting ''subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)).''; and

(2) by striking ''September 30, 2014.'' in clause (iii) and inserting ''September 30, 2015.''.

(b) IMPLEMENTATION BEGINNING IN FISCAL YEAR 2011.—Subsection (d) of the Travel Promotion Act of 2009 (22 U.S.C. 2131(d)) is amended—

(1) by striking ''For fiscal year 2010, the'' in paragraph (2)(A) and inserting ''The'';

(2) by striking ''quarterly, beginning on January 1, 2010,'' in paragraph (2)(A) and inserting ''monthly, immediately following the collection of fees under section 217(h)(3)(B)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1187(h)(3)(B)(i)(I),'';

(3) by striking ''fiscal years 2011 through 2014,'' in paragraph (2)(B) and inserting ''fiscal years 2012 through 2015,'';

(4) by striking ''fiscal year 2010,'' in paragraph (3)(A) and inserting ''fiscal year 2011,'';

(5) by striking ''fiscal year 2011,'' each place it appears in paragraph (3)(A) and inserting ''fiscal year 2012,''; and

(6) by striking ''fiscal year 2010, 2011, 2012, 2013, or 2014'' in paragraph (4)(B) and inserting ''fiscal year 2011, 2012, 2013, 2014, or 2015''.

TITLE VII—BUDGETARY PROVISIONS

SEC. 701. BUDGETARY PROVISIONS.

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

(b) EMERGENCY DESIGNATIONS.—Sections 501 and 524—

(1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, are designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4302. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, add the following:

TITLE ____—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Foreign-Held Debt Transparency and Threat Assessment Act''.

SEC. __02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term ''debt instruments of the United States'' means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. __03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. __04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) QUARTERLY REPORT.—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) PUBLIC AVAILABILITY.—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. __05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. __06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section _____04(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, or the Comptroller General of the United States makes a determination under section _____5(b)(3), the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

SA 4303. Mr. SESSIONS (for himself and Mrs. MCCASKILL) proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. _____. DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) LIMITS.—In this section, the term ''discretionary spending limits'' has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), $564,293,000,000 in budget authority; and

(B) for the nondefense category, $540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), $573,612,000,000 in budget authority; and

(B) for the nondefense category, $543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), $584,421,000,000 in budget authority; and

(B) for the nondefense category, $551,498,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, $50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $50,000,000,000 in new budget authority.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $7,171,000,000, for fiscal year 2012, $7,243,000,000, and for fiscal year 2013, $7,315,000,000.

(II) For fiscal year 2011, $899,000,000, for fiscal year 2012, and $908,000,000, for fiscal year 2013, $917,000,000.

(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $276,000,000, for fiscal year 2012, $278,000,000, and for fiscal year 2013, $281,000,000.

(II) For fiscal year 2011, $490,000,000; for fiscal year 2012, and $495,000,000; for fiscal year 2013, $500,000,000.

(iii) ASSET VERIFICATION.—

(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(II) AMOUNTS.—For fiscal year 2011, $34,340,000, for fiscal year 2012, $34,683,000, and for fiscal year 2013, $35,030,000.

(D) HEALTH CARE FRAUD AND ABUSE.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, $314,000,000, for fiscal year 2012, $317,000,000, and for fiscal year 2013, $320,000,000.

(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, $51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $52,000,000 in new budget authority.

(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to $1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed $1,900,000,000.

(d) EMERGENCY SPENDING.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report

shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

(f) POINT OF ORDER IN THE SENATE.—

(1) WAIVER.—The provisions of subsections (a)–(e) of this section shall be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(g) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this section.

SA 4304. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. KAUFMAN, Mrs. HAGAN, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF DEPENDENT COVERAGE UNDER FEHBP.

(a) SHORT TITLE.—This section may be cited as the ''FEHBP Dependent Coverage Extension Act''.

(b) IN GENERAL.—

(1) PROVISIONS RELATING TO AGE.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8901(5)—

(i) in the matter before subparagraph (A), by striking ''22 years of age'' and inserting ''26 years of age''; and

(ii) in the matter after subparagraph (B), by striking ''age 22'' and inserting ''age 26''; and

(B) in section 8905(c)(2)(B)—

(i) in clause (i), by striking ''22 years of age'' and inserting ''26 years of age''; and

(ii) in clause (ii), by striking ''age 22'' and inserting ''age 26''.

(2) PROVISIONS RELATING TO MARITAL STATUS.—Chapter 89 of title 5, United States Code, is further amended—

(A) in section 8901(5) and subsections (b)(2)(A), (c)(2)(B), (e)(1)(B), and (e)(2)(A) of section 8905a, by striking ''an unmarried dependent'' each place it appears and inserting ''a dependent''; and

(B) in section 8905(c)(2)(B), by striking ''unmarried dependent'' and inserting ''dependent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective as if included in the enactment of section 1001 of the Patient Protection and Affordable Care Act (Public Law 111–148), except that the Director of the Office of Personnel Management may implement such amendments for such periods before the effective date otherwise provided in section 1004(a) of such Act as the Director may specify.

SA 4305. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subpart B of part II of subtitle D of title II, add the following:

SEC. _____. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3913, 3919) are each amended by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

SA 4306. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subpart B of part II of subtitle D of title II, add the following:

SEC. _____. SPECIAL DEPRECIATION ALLOWANCE.

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

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

SA 4307. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 6___. ENCOURAGEMENT OF CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES BY NATIVE CORPORATIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) QUALIFIED CONSERVATION CONTRIBUTIONS BY CERTAIN NATIVE CORPORATIONS.—

''(i) IN GENERAL.—Any qualified conservation contribution (as defined in subsection (h)(1)) which—

''(I) is made by a Native Corporation, and

''(II) is a contribution of property which was land conveyed under the Alaska Native Claims Settlement Act,

shall be allowed to the extent that the aggregate amount of such contributions does not exceed the excess of the taxpayer's taxable income over the amount of charitable contributions allowable under subparagraph (A).

''(ii) LIMITATION.—This subparagraph shall not apply to any contribution of property described in clause (i)(II) which, by itself or when aggregated to any other property to which this subparagraph applies, is a contribution of more than 10 percent of the land conveyed to the Native Corporation described in clause (i)(I) under the Alaska Native Claims Settlement Act.

''(iii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

''(iv) DEFINITION.—For purposes of this subparagraph, the term 'Native Corporation' has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act.

''(v) TERMINATION.—This subparagraph shall not apply to any contribution in any taxable year beginning after December 31, 2010.''.

(b) CONFORMING AMENDMENT.—Section 170(b)(2)(A) of such Code is amended by striking ''subparagraph (B) applies'' and inserting ''subparagraphs (B) or (C) apply''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to modify any existing property rights conveyed to Native Corporations (withing the meaning of section 3(m) of the Alaska Native Claims Settlement Act) under such Act.

SEC. 6___. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking ''$195'' and inserting ''$205''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2010.

SA 4308. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 18 and 19, insert the following:

SEC. 293. SPECIAL INVESTMENT RULE FOR CERTAIN QUALIFIED NEW YORK LIBERTY BOND PROCEEDS.

For purposes of section 149(g) of the Internal Revenue Code of 1986, the proceeds of any qualified New York Liberty Bond (as defined in section 1400L(d)(2)) issued after September 30, 2009, and before January 1, 2010, which are invested in United States Treasury Obligations – State and Local Government Series shall be treated as invested in bonds described in paragraph (3)(B)(i) of such section.

SA 4309. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 6___. CHARITABLE DEDUCTION FOR COSTS ASSOCIATED WITH DONATIONS OF WILD GAME MEAT.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULE FOR CONTRIBUTIONS OF WILD GAME MEAT.—

''(A) IN GENERAL.—In the case of a charitable contribution by an individual of qualified wild game meat, the amount of such contribution otherwise taken into account under this section (after the application of paragraph (1)(A)) shall be increased by the amount of the qualified processing fees paid with respect to such contribution.

''(B) QUALIFIED WILD GAME MEAT.—For purposes of this paragraph, the term 'qualified wild game meat' means the meat of any animal which is typically used for human consumption, but only if—

''(i) such animal is killed in the wild by the individual making the charitable contribution of such meat (not including animals raised on a farm for the purpose of sport hunting),

''(ii) such animal is hunted or taken in accordance with all State and local laws and regulations, including season and size restrictions,

''(iii) such meat is processed for human consumption by a processor which is licensed for such purpose under the appropriate Federal, State, and local laws and regulations and which is in compliance with all such laws and regulations, and

''(iv) such meat is apparently wholesome (under regulations similar to the regulations under section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act).

''(C) QUALIFIED PROCESSING FEE.—For purposes of this paragraph, the term 'qualified processing fee' means any fee or charge paid to a processor which fulfills the requirements of subparagraph (B)(iii) for the purpose of processing wild game meat, but only to the extent that such meat is donated as a charitable contribution under this section.''.

(b) EXCLUSION OF PROCESSOR'S INCOME FROM TAX EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before section 140 the following new section:

''SEC. 139F. CERTAIN INCOME RECEIVED FROM CHARITABLE ORGANIZATIONS.

''(a) IN GENERAL.—Gross income of a qualified meat processor shall not include any amount paid to such processor as a qualified processing fee by a charitable organization for the processing of donated wild game meat.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED MEAT PROCESSOR.—The term 'qualified meat processor' means a processor which fulfills the requirements of section 170(e)(8)(B)(iii).

''(2) CHARITABLE ORGANIZATION.—The term 'charitable organization' means an entity to which a charitable contribution may be made under section 170(c) and the charitable purpose of which is to provide free food to individuals in need of food assistance.

''(3) DONATED WILD GAME MEAT.—The term 'donated wild game meat' means qualified wild game meat (as defined in section 170(e)(8)(B), without regard to clause (iii) thereof) which is received as a charitable contribution (as defined in section 170(c)) by a charitable organization.

''(4) QUALIFIED PROCESSING FEE.—The term 'qualified processing fee' means any fee or charge paid to a qualified meat processor for the purpose of processing donated wild game meat.''.

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 140 the following new item:

''Sec. 139F. Certain income received from tax exempt organizations.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to donations made, and fees received, after the date of the enactment of this Act.

SA 4310. Mr. SCHUMER (for himself, Ms. STABENOW, Mr. LEVIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 6___. MODIFICATION OF EXCISE TAX ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 is amended by inserting ''(1.39 percent in the case of taxable years beginning before January 1, 2015)'' after ''2 percent''.

(b) TEMPORARY ELIMINATION OF REDUCED TAX WHERE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Subsection (e) of section 4940 of such Code is amended by adding at the end the following new paragraph:

''(7) APPLICATION.—Paragraph (1) shall not apply for any taxable year beginning after December 31, 2009, and before January 1, 2015.''.

(c) STUDY.—Not later than December 31, 2013, the Secretary of the Treasury shall conduct and submit to the Congress a study which examines the effect of the change in the rate of tax under section 4940 of the Internal Revenue Code of 1986 (as amended by this section) has on the level of grantmaking by private foundations.

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

SA 4311. Mr. FRANKEN (for himself, Ms. SNOWE, and Mrs. MURRAY) proposed an amendment to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—OFFICE OF THE HOMEOWNER ADVOCATE

SEC. __01. OFFICE OF THE HOMEOWNER ADVOCATE.

(a) ESTABLISHMENT.—There is established in the Department of the Treasury an office to be known as the ''Office of the Homeowner Advocate'' (in this title referred to as the ''Office'').

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Office of the Homeowner Advocate (in this title referred to as the ''Director'') shall report directly to the Assistant Secretary of the Treasury for Financial Stability, and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT.—The Director shall be appointed by the Secretary, after consultation with the Secretary of the Department of Housing and Urban Development, and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

(A) experience as an advocate for homeowners; and

(B) experience dealing with mortgage servicers.

(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as Director only if such individual was not an officer or employee of either a mortgage servicer or the Department of the Treasury during the 4-year period preceding the date of such appointment.

(5) HIRING AUTHORITY.—The Director shall have the authority to hire staff, obtain support by contract, and manage the budget of the Office of the Homeowner Advocate.

SEC. __02. FUNCTIONS OF THE OFFICE.

(a) IN GENERAL.—It shall be the function of the Office—

(1) to assist homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary, authorized under the Emergency Economic Stabilization Act of 2008 (in this title referred to as the ''Home Affordable Modification Program'')

(2) to identify areas, both individual and systematic, in which homeowners, housing counselors, and housing lawyers have problems in dealings with the Home Affordable Modification Program;

(3) to the extent possible, to propose changes in the administrative practices of the Home Affordable Modification Program, to mitigate problems identified under paragraph (2);

(4) to identify potential legislative changes which may be appropriate to mitigate such problems; and

(5) to implement other programs and initiatives that the Director deems important to assisting homeowners, housing counselors, and housing lawyers in resolving problems with the Home Affordable Modification Program, which may include—

(A) running a triage hotline for homeowners at risk of foreclosure;

(B) providing homeowners with access to housing counseling programs of the Department of Housing and Urban Development at no cost to the homeowner;

(C) developing Internet tools related to the Home Affordable Modification Program; and

(D) developing training and educational materials.

(b) AUTHORITY.—

(1) IN GENERAL.—Staff designated by the Director shall have the authority to implement servicer remedies, on a case-by-case basis, subject to the approval of the Assistant Secretary of the Treasury for Financial Stability.

(2) LIMITATIONS ON FORECLOSURES.—No homeowner may be taken to a foreclosure sale, until the earlier of the date on which the Office of the Homeowner Advocate case involving the homeowner is closed, or 60 days since the opening of the Office of the Homeowner Advocate case involving the homeowner have passed, except that nothing in this section may be construed to relieve any loan servicers from any otherwise applicable rules, directives, or similar guidance under the Home Affordable Modification Program relating to the continuation or completion of foreclosure proceedings.

(3) RESOLUTION OF HOMEOWNER CONCERNS.—The Office shall, to the extent possible, resolve all homeowner concerns not later than 30 days after the opening of a case with such homeowner.

(c) COMMENCEMENT OF OPERATIONS.—The Office shall commence its operations, as required by this title, not later than 3 months after the date of enactment of this Act.

(d) SUNSET.—The Office shall cease operations as of the date on which the Home Affordable Modification Program ceases to operate.

SEC. __03. RELATIONSHIP WITH EXISTING ENTITIES.

(a) TRANSFER.—The Office shall coordinate and centralize all complaint escalations relating to the Home Affordable Modification Program.

(b) HOTLINE.—The HOPE hotline (or any successor triage hotline) shall reroute all complaints relating to the Home Affordable Modification Program to the Office.

(c) COORDINATION.—The Office shall coordinate with the compliance office of the Office of Financial Stability of the Department of the Treasury and the Homeownership Preservation Office of the Department of the Treasury.

SEC. __04. REPORTS TO CONGRESS.

(a) TESTIMONY.—The Director shall be available to testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not less frequently than 4 times a year, or at any time at the request of the Chairs of either committee.

(b) REPORTS.—Once annually, the Director shall provide a detailed report to Congress on the Home Affordable Modification Program. Such report shall contain full and substantive analysis, in addition to statistical information, including, at a minimum—

(1) data and analysis of the types and volume of complaints received from homeowners, housing counselors, and housing lawyers, broken down by category of servicer, except that servicers may not be identified by name in the report;

(2) a summary of not fewer than 20 of the most serious problems encountered by Home Affordable Modification Program participants, including a description of the nature of such problems;

(3) to the extent known, identification of the 10 most litigated issues for Home Affordable Modification Program participants, including recommendations for mitigating such disputes;

(4) data and analysis on the resolutions of the complaints received from homeowners, housing counselors, and housing lawyers;

(5) identification of any programs or initiatives that the Office has taken to improve the Home Affordable Modification Program;

(6) recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by Home Affordable Modification Program participants; and

(7) such other information as the Director may deem advisable.

SEC. __05. FUNDING.

Amounts made available for the costs of administration of the Home Affordable Modification Program that are not otherwise obligated shall be available to carry out the duties of the Office. Funding shall be maintained at levels adequate to reasonably carry out the functions of the Office.

SA 4312. Mr. VITTER (for himself, Mr. GREGG, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the subtitle D of title IV, add the following:

SEC. _____. NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

SA 4313. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(h) ATTORNEYS' FEES AND INCENTIVE AWARDS.—

(1) IN GENERAL.—Any award of attorneys' fees, expenses, and costs or any incentive award in connection with the Litigation shall be within the discretion of the United States District Court for the District of Columbia (referred to in this section as the ''Court'') and in accordance with controlling law, including paragraphs (2) and (3).

(2) ATTORNEYS' FEES, EXPENSES, AND COSTS.—

(A) IN GENERAL.—Any motion or request for attorneys' fees, expenses, and costs incurred in the Litigation shall be supported by complete and contemporaneous daily time, expense, and cost records for all such fees, expenses, and costs.

(B) PRE-SETTLEMENT.—Notwithstanding any other provision of law, any award of attorneys' fees, expenses, and costs incurred in the Litigation on or before December 7, 2009, shall not exceed $50,000,000 above amounts previously paid by the defendants in the Litigation.

(3) INCENTIVE AWARDS.—Notwithstanding any other provision of law, any incentive awards to class representatives in connection with the Litigation—

(A) shall not exceed, in the aggregate, $15,000,000; and

(B) shall be limited to reimbursement of documented expenses and costs that—

(i)(I) were paid by the class representative with the funds of that class representative; or

(II) were paid by the class representative with borrowed funds that the class representative has a binding legal obligation to repay; and

(ii) have not otherwise been paid or reimbursed by the United States, Class Counsel, or any other person or entity other than the class representative petitioning for the award.

(i) SELECTION OF 1 OR MORE QUALIFYING BANKS.—The Court, in exercising the discretion of the Court to approve the selection of any proposed Qualifying Bank under paragraph A.1. of the Settlement, shall consider, in addition to the requirements of paragraph A.29. of the Settlement and any other requirements or factors that the Court determines to be relevant, whether the bank—

(1) employs officers and staff with experience in administering and collateralizing large deposits of settlement funds;

(2) has a demonstrated record of compliance with all applicable banking laws (including regulations); and

(3) offers competitive rates of interest on deposits and competitive fees or charges for any services that the bank will perform under the Settlement.

(j) TRUST LAND CONSOLIDATION FUND.—

(1) CONSULTATION.—In implementing paragraph F. of the Settlement, the Secretary shall consult with federally recognized Indian tribes with respect to—

(A) prioritizing and selecting tracts of land for consolidation of fractionated interests; and

(B) otherwise implementing the Settlement with regard to consolidation of fractionated interests under the Settlement.

(2) CONTRACTING AND COMPACTING.—Notwithstanding any provision of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), the activities in implementing paragraph F. of the Settlement shall be subject to contracting and compacting under titles I and IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(k) TRUST ADMINISTRATION CLASS ADJUSTMENTS.—

(1) IN GENERAL.—In addition to any amounts deducted from the Accounting/Trust Administration Fund under paragraph E.4.b.2. of the settlement, the Court shall require the Claims Administrator (as defined in paragraph A.5. of the Settlement) to set aside, from the funds paid into the Accounting/Trust Administration Fund (as defined in paragraph A.1 of the Settlement) pursuant to paragraph E.2.a. of the Settlement, $50,000,000 for making equitable adjustments to the payments to members of the Trust Administration Class pursuant to this subsection.

(2) PURPOSE OF ADJUSTMENTS.—The purpose of the adjustments under this subsection is to provide additional compensation to any member of the Trust Administration Class who demonstrates that the pro rata formula calculated under paragraph E.4.b.(3) of the Settlement does not provide fair compensation.

(3) PROCEDURES.—Except as provided in paragraph (5), the procedures, sufficiency of proof, and other requirements for members of the Trust Administration Class to receive adjustments under this subsection shall be established by, and be within the discretion of, the Court.

(4) AMOUNT OF ADJUSTMENTS.—Whether an adjustment authorized under this subsection should be made and the amount of any such adjustment shall be within the discretion of the Court and not subject to appeal.

(5) TIMING OF ADJUSTMENTS.—Any adjustment payments authorized under this subsection shall be distributed after payments have been made to class members under paragraphs E.3. and 4. of the Settlement.

(6) REMAINING FUNDS.—Any funds remaining in the amount set aside under paragraph (1) after completing the payments of equitable adjustments under this subsection shall be distributed to all members of the Trust Administration Class in accordance with the pro rata percentages calculated for the members of that class under paragraph E.4.b.(3) of the Settlement.

(7) SPECIAL MASTER.—

(A) IN GENERAL.—At the discretion of the Court, the determination of the amount of equitable adjustments under this subsection may be made by the special master appointed under the Settlement.

(B) REVIEW AND APPROVAL.—Any adjustments made by the special master under subparagraph (A) shall be subject to the review of the Court.

SA 4314. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—HONEST EXPENDITURE LIMITATION PROGRAM

SEC. __01. SHORT TITLE; EXPIRATION.

(a) SHORT TITLE.—This title may be cited as the ''Honest Expenditure Limitation Program Act of 2010'' or the ''HELP Act''.

(b) EXPIRATION.—This title shall expire at the end of fiscal year 2020.

Subtitle A—Congressional Non-security Discretionary Spending Limits

SEC. __101. NON-SECURITY DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''NON-SECURITY DISCRETIONARY SPENDING LIMITS

''SEC. 316. (a) NON-SECURITY DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the non-security discretionary spending limits as set forth in subsection (b) to be exceeded.

''(b) LIMITS.—The non-security discretionary spending limits are as follows:

''(1) For fiscal years 2011 through 2015, the spending level for such spending in fiscal year 2010 reduced each year thereafter on a pro rata basis so that the level for fiscal year 2015 does not exceed the level for fiscal year 2008.

''(2) For fiscal years 2016 through 2020, the spending level for fiscal year 2015.

''(c) NON-SECURITY SPENDING.—In this section, the term 'non-security discretionary spending' means discretionary spending other than spending for the Department of Defense, homeland security activities, intelligence related activities within the Department of State, the Department of Veterans Affairs, and national security related activities in the Department of Energy.

''(d) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would—

''(1) repeal or otherwise change this section; or

''(2) exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

''(e) POINT OF ORDER IN THE SENATE.—

''(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

''(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

''(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

''(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.''.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Non-security discretionary spending limits.''.

Subtitle B—Statutory Non-security Discretionary Spending Limits

PART I—DEFINITIONS, ADMINISTRATION, AND SEQUESTRATION

SEC. __211. DEFINITIONS.

In this title:

(1) ACCOUNT.—The term ''account'' means—

(A) for discretionary budget authority, an item for which appropriations are made in any appropriation Act; and

(B) for items not provided for in appropriation Acts, direct spending and outlays therefrom identified in the program and finance schedules contained in the appendix to the Budget of the United States for the current year.

(2) BREACH.—The term ''breach'' means, for any fiscal year, the amount by which discretionary budget authority enacted for that year exceeds the spending limit for budget authority for that year.

(3) BUDGET AUTHORITY; NEW BUDGET AUTHORITY; AND OUTLAYS.—The terms ''budget authority'', ''new budget authority'', and ''outlays'' have the meanings given to such terms in section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(4) BUDGET YEAR.—The term ''budget year'' means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(5) CBO.—The term ''CBO'' means the Director of the Congressional Budget Office.

(6) CURRENT.—The term ''current'' means—

(A) with respect to the Office of Management and Budget estimates included with a budget submission under section 1105(a) of title 31, United States Code, the estimates consistent with the economic and technical assumptions underlying that budget;

(B) with respect to estimates made after that budget submission that are not included with it, the estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget; and

(C) with respect to the Congressional Budget Office, estimates consistent with the economic and technical assumptions as required by section 202(e)(1) of the Congressional Budget Act of 1974.

(7) CURRENT YEAR.—The term ''current year'' means, with respect to a budget year, the fiscal year that immediately precedes that budget year.

(8) DISCRETIONARY APPROPRIATIONS AND DISCRETIONARY BUDGET AUTHORITY.—The terms ''discretionary appropriations'' and ''discretionary budget authority'' shall have the meaning given such terms in section 3(4) of the Congressional Budget Act of 1974.

(9) NON-SECURITY DISCRETIONARY SPENDING LIMIT.—The term ''non-security discretionary spending limit'' shall mean the amounts specified in section 222.

(10) OMB.—The term ''OMB'' means the Director of the Office of Management and Budget.

(11) SEQUESTRATION.—The term ''sequestration'' means the cancellation or reduction of budget authority (except budget authority to fund mandatory programs) provided in appropriation Acts.

SEC. __212. ADMINISTRATION AND EFFECT OF SEQUESTRATION.

(a) TIMETABLE.—The timetable with respect to this title is as follows:

On or before:	Action to be completed:
5 days before the President's budget submission required under section 1105 of title 31, United States Code	CBO Discretionary Sequestration Preview Report.
The President's budget submission	OMB Discretionary Sequestration Preview Report.
10 days after end of session	CBO Final Discretionary Sequestration Report.
15 days after end of session	OMB Final Discretionary Sequestration/Presidential Sequestration Order.

(b) PRESIDENTIAL ORDER.—

(1) IN GENERAL.—On the date specified in subsection (a), if in its Final Sequestration Report, OMB estimates that any sequestration is required, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(2) SPECIAL RULE.—If the date specified for the submission of a Presidential order under subsection (a) falls on a Sunday or legal holiday, such order shall be issued on the following day.

(c) EFFECTS OF SEQUESTRATION.—The effects of sequestration shall be as follows:

(1) Budgetary resources sequestered from any account shall be permanently cancelled, except as provided in paragraph (5).

(2) Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account).

(3) Administrative regulations or similar actions implementing a sequestration shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources within an account, program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with the remaining amount of the appropriation being obligated in a manner consistent with program allocation formulas in substantive law.

(4) Except as otherwise provided in this part, obligations or budgetary resources in sequestered accounts shall be reduced only in the fiscal year in which a sequester occurs.

(5) Budgetary resources sequestered in special fund accounts and offsetting collections sequestered in appropriation accounts shall not be available for obligation during the fiscal year in which the sequestration occurs, but shall be available in subsequent years to the extent otherwise provided in law.

(d) SUBMISSION AND AVAILABILITY OF REPORTS.—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate, and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

PART II—NON-SECURITY DISCRETIONARY SPENDING LIMITS

SEC. __221. DISCRETIONARY SEQUESTRATION REPORTS.

(a) DISCRETIONARY SEQUESTRATION PREVIEW REPORTS.—

(1) REPORTING REQUIREMENT.—On the dates specified in section 212(a), OMB shall report to the President and Congress and CBO shall report to Congress a Discretionary Sequestration Preview Report regarding discretionary sequestration based on laws enacted through those dates.

(2) DISCRETIONARY.—The Discretionary Sequestration Preview Report shall set forth estimates for the current year and each subsequent year through 2014 of the applicable discretionary spending limits and a projection of budget authority exceeding discretionary limits subject to sequester.

(3) EXPLANATION OF DIFFERENCES.—The OMB reports shall explain the differences between OMB and CBO estimates for each item set forth in this subsection.

(b) DISCRETIONARY SEQUESTRATION REPORTS.—On the dates specified in section 212(a), OMB and CBO shall issue Discretionary Sequestration Reports, reflecting laws enacted through those dates, containing all of the information required in the Discretionary Sequestration Preview Reports.

(c) FINAL DISCRETIONARY SEQUESTRATION REPORTS.—

(1) REPORTING REQUIREMENTS.—On the dates specified in section 212(a), OMB and CBO shall each issue a Final Discretionary Sequestration Report, updated to reflect laws enacted through those dates.

(2) DISCRETIONARY SPENDING.—The Final Discretionary Sequestration Reports shall set forth estimates for each of the following:

(A) For the current year and each subsequent year through 2014; the applicable discretionary spending limits.

(B) For the current year, if applicable, and the budget year; the new budget authority and the breach, if any.

(C) The sequestration percentages necessary to eliminate the breach.

(D) For the budget year, for each account to be sequestered, the level of enacted, sequesterable budget authority and resulting estimated outlays flowing therefrom.

(3) EXPLANATION OF DIFFERENCES.—The OMB report shall explain—

(A) any differences between OMB and CBO estimates for the amount of any breach and for any required discretionary sequestration percentages; and

(B) differences in the amount of sequesterable resources for any budget account to be reduced if such difference is greater than $5,000,000.

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—In all reports required by this section, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31, United States Code.

SEC. __222. LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—As used in this title, the term ''non-security discretionary spending limit'' shall have the same meaning as in section 316 of the Congressional Budget Act of 1974.

(b) ENFORCEMENT.—

(1) SEQUESTRATION.—On the date specified in section 212(a), there shall be a sequestration to eliminate a budget-year breach.

(2) ELIMINATING A BREACH.—Each non-security discretionary account shall be reduced by a dollar amount calculated by multiplying the enacted level of budget authority for that year in that account at that time by the uniform percentage necessary to eliminate a breach of the discretionary spending limit.

(3) PART-YEAR APPROPRIATIONS.—If, on the date the report is issued under paragraph (1), there is in effect an Act making continuing appropriations for part of a fiscal year for any budget account, then the dollar sequestration calculated for that account under paragraph (2) shall be subtracted from—

(A) the annualized amount otherwise available by law in that account under that or a subsequent part-year appropriation; and

(B) when a full-year appropriation for that account is enacted, from the amount otherwise provided by the full-year appropriation.

(4) LOOK-BACK.—If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a breach for that year (after taking into account any previous sequestration), the discretionary spending limit for the next fiscal year shall be reduced by the amount of that breach.

(5) WITHIN-SESSION SEQUESTRATION REPORTS AND ORDER.—If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for that budget year and before July 1 of that fiscal year) that causes a breach, 10 days later CBO shall issue a report containing the information required in section 221(c). Fifteen days after enactment, OMB shall issue a report containing the information required in section 221(c). On the same day as the OMB report, the President shall issue an order fully implementing without change all sequestrations required by the OMB calculations set forth in that report. This order shall be effective on issuance.

(c) ESTIMATES.—

(1) CBO ESTIMATES.—As soon as practicable after Congress completes action on any legislation providing discretionary appropriations, CBO shall provide an estimate to OMB of that legislation.

(2) OMB ESTIMATES.—Not later than 7 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of enactment of any discretionary appropriations, OMB shall transmit a report to the Senate and to the House of Representatives containing—

(A) the CBO estimate of that legislation;

(B) an OMB estimate of that legislation using current economic and technical assumptions; and

(C) an explanation of any difference between the 2 estimates.

(3) DIFFERENCES.—If during the preparation of the report under paragraph (2), OMB determines that there is a difference between the OMB and CBO estimates, OMB shall consult with the Committees on the Budget of the House of Representatives and the Senate regarding that difference and that consultation, to the extent practicable, shall include written communication to such committees that affords such committees the opportunity to comment before the issuance of that report.

(4) ASSUMPTIONS AND GUIDELINES.—OMB and CBO shall prepare estimates under this paragraph in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

SA 4315. Mr. SESSIONS (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. _____. DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) LIMITS.—In this section, the term ''discretionary spending limits'' has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), $564,293,000,000 in budget authority; and

(B) for the nondefense category, $540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), $573,612,000,000 in budget authority; and

(B) for the nondefense category, $543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), $584,421,000,000 in budget authority; and

(B) for the nondefense category, $551,498,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, $50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $50,000,000,000 in new budget authority.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $7,171,000,000, for fiscal year 2012, $7,243,000,000, and for fiscal year 2013, $7,315,000,000.

(II) For fiscal year 2011, $899,000,000, for fiscal year 2012, and $908,000,000, for fiscal year 2013, $917,000,000.

(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $276,000,000, for fiscal year 2012, $278,000,000, and for fiscal year 2013, $281,000,000.

(II) For fiscal year 2011, $490,000,000; for fiscal year 2012, and $495,000,000; for fiscal year 2013, $500,000,000.

(iii) ASSET VERIFICATION.—

(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(II) AMOUNTS.—For fiscal year 2011, $34,340,000, for fiscal year 2012, $34,683,000, and for fiscal year 2013, $35,030,000.

(D) HEALTH CARE FRAUD AND ABUSE.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, $314,000,000, for fiscal year 2012, $317,000,000, and for fiscal year 2013, $320,000,000.

(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, $51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $52,000,000 in new budget authority.

(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to $1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed $1,900,000,000.

(d) EMERGENCY SPENDING.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment

shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

(f) POINT OF ORDER IN THE SENATE.—

(1) WAIVER.—The provisions of subsections (a) and (e) of this section shall be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(g) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this section.

SA 4316. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 255, line 18, strike ''a drug'' and insert ''a covered inpatient drug''.

On page 256, line 24, strike ''a patient'' and insert ''an inpatient''.

On page 260, line 17, after ''subsection (a)(4)'' insert the following: ''that has applied for and enrolled in the program described under this section''.

On page 261, line 15, strike ''20.20'' and insert ''11.75''.

On page 275, strike line 2 and insert the following: each succeeding fiscal year.

''(g) EFFECT OF SECTION.—Nothing in this section shall be construed to apply to section 340B.''.

SA 4317. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 255, strike line 14 and all that follows through line 2 on page 275 and insert the following:

''(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a covered inpatient drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act.

''(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

''(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

''(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

''(i) such person is an inpatient of the entity; and

''(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

''(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary's or the manufacturer's expense the records of the entity that directly pertain to the entity's compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

''(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

''(E) MAINTENANCE OF RECORDS.—

''(i) IN GENERAL.—A covered entity shall establish and maintain an effective recordkeeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

''(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

''(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

''(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

''(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

''(b) COVERED ENTITY DEFINED.—In this section, the term 'covered entity' means an entity that meets the requirements described in subsection (a)(4) that has applied for and enrolled in the program described under this section and is one of the following:

''(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

''(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

''(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

''(2) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the

disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

''(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

''(c) OTHER DEFINITIONS.—In this section:

''(1) AVERAGE MANUFACTURER PRICE.—

''(A) IN GENERAL.—The term 'average manufacturer price'—

''(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

''(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

''(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

''(2) COVERED INPATIENT DRUG.—The term 'covered inpatient drug' means a drug—

''(A) that is described in section 1927(k)(2) of the Social Security Act;

''(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

''(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

''(3) HEALTH PLAN COVERAGE.—The term 'health plan coverage' means—

''(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

''(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

''(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

''(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

''(4) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in section 1927(k) of the Social Security Act.

''(d) PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

''(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

''(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

''(III) Conducting periodic monitoring of sales transactions by covered entities.

''(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

''(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

''(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

''(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

''(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

''(iv) The development of a mechanism by which—

''(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

''(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(vii) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

''(II) shall not exceed $10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

''(III) shall not exceed $100,000 for each instance where a manufacturer withholds or provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

''(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity's purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

''(II) shall not exceed $10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

''(vi) The termination of a covered entity's participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

''(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

''(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

''(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

''(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

''(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

''(e) AUDIT AND SANCTIONS.—

''(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the 'Inspector General') shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

''(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

''(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

''(B) the effectiveness of antidiversion prohibitions; and

''(C) the effectiveness of restrictions on inpatient dispensing and administration.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.

''(g) EFFECT OF SECTION.—Nothing in this section shall be construed to apply to section 340B.''.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 10, 2010, at 3 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues.

1. Nomination of Tracie L. Stevens to serve as Chair of the National Indian Gaming Commission;

2. Nomination of JoAnn Balzer to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development;

3. Nomination of Cynthia Chavez Lamar to serve as Member, Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development;

4. S. 2802, the Blackfoot River Land Settlement Act of 2009;

5. S. 2906, a bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes in Washington; and

6. S. 1448, a bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2010, at 10 a.m., to hold a hearing entitled ''The New START Treaty (Treaty Doc. 111–5): The Negotiations.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''The State of the American Child'' on June 8, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 8, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Risky Business of Big Oil: Have Recent Court Decisions and Liability Caps Encouraged Irresponsible Corporate Behavior?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEAR EAST SUBCOMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2010, at 3 p.m., to hold a Near Eastern subcommittee hearing entitled ''Assessing the Strength of Hezbollah.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff from the Finance Committee be allowed on the Senate floor for the duration of the debate on the tax extenders legislation: Logan Timmerhoff, Kathryn Spika, Logan Baker, Benjamin Furnas, John Merrick, Andrew Fishburn, Mary Baker, Emily Freeman, Drew Colling, Ellen Montz, Randy Aussenberg, and Jenn Rigger.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the tax extenders legislation: Greg Sullivan, Nicole Marchman, Chris Goble, and Claire Green.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTION TO DISCHARGE S.J. RES. 26

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 26, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency relating to the endangement finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Lisa Murkowski, Mitch McConnell, Saxby Chambliss, E. Benjamin Nelson (NE), Kay Bailey Hutchison, Richard Burr, Jeff Sessions, Thad Cochran, Richard G. Lugar, George V. Voinovich, Lamar Alexander, John Cornyn, Blanche L. Lincoln, John Barrasso, Mary Landrieu, Chuck Brassley, John Thune, John McCain, Lindsey Graham, Bob Corker, Jim Bunning, Robert F. Bennett, James M. Inhofe, John Ensign, Michael B. Enzi, James E. Risch, Roger F. Wicker, Mike Johanns, Tom Coburn, David Vitter, George LeMieux, Jim DeMint, Orrin G. Hatch, Johnny Isakson, Sam Brownback, Mike Crapo, Kit Bond, Richard Shelby, Jon Kyl, Pat Roberts, Judd Gregg.

ORDERS FOR WEDNESDAY, JUNE 9, 2010

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, June 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 4213, the tax extenders legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, Senators should expect rollcall votes in relation to amendments to the tax extenders legislation to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:10 p.m., adjourned until Wednesday, June 9, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MAURA CONNELLY, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

DANIEL BENNETT SMITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

NATIONAL SCIENCE FOUNDATION

SUBRA SURESH, OF MASSACHUSETTS, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS, VICE ARDEN BEMENT, JR., RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

DAVID A. SCORE
RANDALL J. TEBEEST
ANNE K. LYNCH
ANITA L. LOPEZ

To be commander

KEITH W. ROBERTS
RICHARD T. BRENNAN
ADAM D. DUNBAR
PETER C. FISCHEL
JEREMY M. ADAMS
MICHAEL J. SILAH
SCOTT M. SIROIS
MARK A. WETZLER
KURT A. ZEGOWITZ
TIMOTHY J. GALLAGHER
NATHAN H. HANCOCK
DEMIAN A. BAILEY

DISCHARGED NOMINATION

The Senate Committee on Finance was discharged from further consideration of the following nomination pursuant to Sec. 411(c) of P.L. 109–280 and the nomination was placed on the Executive Calendar on June 7, 2010:

*JOSHUA GOTBAUM, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 8, 2010 withdrawing from further Senate consideration the following nomination:

PAUL STEVEN MILLER, OF WASHINGTON, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016, VICE CAROLYN L. GALLAGHER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 1, 2010.

EXTENSIONS OF REMARKS

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mrs. MALONEY. Mr. Chair, I rise today in support of the men and women in our armed forces and H.R. 5136, the National Defense Authorization Act for FY 2011. H.R. 5136 makes sound investments in our armed forces—strengthening our national security and providing needed resources and support for our men and women in uniform and their families.

I am particularly pleased by the inclusion of twenty-eight provisions to ensure the Defense Department has the tools it needs to prevent and respond to sexual assault in the military. These important provisions will implement into law many of the recommendations of the Defense Task Force on Sexual Assault in the Military Services, and the inclusion of these provisions in this bill makes this the single most comprehensive legislative package in history to address sexual assault in the military.

Preventing sexual assault in the military is a persistent problem and an issue that I have worked on for many years. I firmly believe that the best way to effectively tackle a problem such as sexual assault in the military is to have accurate data, which is why I previously introduced legislation that would force the Department of Defense (DoD) to implement fully the Defense Incident-Based Reporting System (DIBRS). DIBRS collects statistics about crimes committed within the military services.

Despite the clear need for a well-functioning system for reporting such crimes, DIBRS has yet to be completed. In the FY10 National Defense Authorization Act, I offered an amendment that was successfully adopted that required that the Secretary report to Congress on the Department's progress to completing DIBRS. Since that time, the Defense Department reports that the Navy has resumed full-time reporting and is working towards full compliance. I applaud the Department for its efforts and look forward to an accurate accounting of the crimes that are occurring in the U.S. military and the effective policies that will be implemented in response to ensure the safety of our military personnel.

I have also introduced legislation, the Preventing Sexual Assaults in the Military Act, that would provide funding to process the backlog of DNA kits in the military, reduce the processing time, train medical personnel as SANEs, and ensure an adequate supply of rape kits to theaters of operation, academies, and domestic or overseas bases. Similar provisions passed in the FY05 Defense Authorization legislation, and I am very pleased to see that this bill before us today requires DoD to specifically budget for the sexual assault prevention and response program—a program that addresses these shortfalls.

This bill before us today protects and supports our military service members, while strengthening the ability of the finest military in the world to respond to today's and future threats.

I urge my colleagues to support it.

RECOGNIZING RECIPIENTS OF THE 2010 SHELTER HOUSE VOLUNTEER AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Shelter House, Inc., and particularly the contributions that its volunteers make in service to our community. Shelter House and its outstanding volunteers serve Northern Virginia by coming to the aid of some of those most in need of support and assistance. Volunteers are critical in helping Shelter House achieve its mission of breaking the cycle of homelessness by providing crisis intervention, temporary housing, training, counseling, and programs to promote self sufficiency.

Shelter House is a community-based, nonprofit organization. It was formed in 1981 when several ecumenical groups came together to better serve low-income individuals and families. Shelter House operates three shelters, the Katherine K. Hanley Family Shelter and the Patrick Henry Family Shelter, which provide temporary housing for families in our community who find themselves homeless, and also Artemis House, Fairfax County's Domestic Violence Shelter. This year, Shelter House was named to the Catalogue for Philanthropy: Greater Washington, as "One of the Best" area non profits.

In addition, Shelter House offers transitional housing services throughout Fairfax County. As part of the effort to stop the cycle of homelessness, the services provided by Shelter House continue even after individuals enter permanent housing.

Individuals, organizations, and businesses dedicate their time, money, and wherewithal to help Shelter House succeed in its efforts to end homelessness in Fairfax County. These relationships are critical assets to Shelter House and a leading cause for its successes. Shelter House has recognized the specific contributions from its partners and volunteers and named the following recipients of its 2010 Volunteer Awards:

Ending Homelessness Award: Great Falls Women's Club

Friend of Shelter House Kids Award at the Patrick Henry Family Shelter: Kate Seikaly

Friend of Shelter House Kids Award at the Katherine K. Hanley Family Shelter: Clifton Community Women's Club

Friend of Shelter House Kids Award at Artemis House: Rhonda Gary

Community Partner Award at the Patrick Henry Family Shelter: Northern Virginia Urban League

Community Partner Award at the Katherine K. Hanley Family Shelter: National Charity League, Inc., Cherry Blossom Chapter

Community Partner Award at Artemis House: Delta Sigma Theta Sorority, Inc.—Fairfax County Alumnae Chapter

Youth Volunteer Award: Lexi Hamilton

Unsung Hero Award: Anika Armstrong

Special Event Volunteer Award: Tanika Siler

Community Champion Award: Balfour Beatty Construction

We also must acknowledge the impact of all Shelter House volunteers who work to provide secure, structured environments and connect families with the supportive services they require. These volunteers help make Shelter House one of the most effective organizations in the battle to end homelessness by empowering families to reach their full potential.

Madam Speaker, I ask my colleagues to join me in expressing our gratitude for the efforts of these volunteers and their colleagues at Shelter House. The selfless commitment of these individuals provides enumerable benefits to the Northern Virginia community as well as life-changing services to individuals in need.

IN HONOR OF THE 25TH ANNIVERSARY OF TEMPLE SINAI

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate Temple Sinai in Cinnaminson, New Jersey for providing a place of religious education, worship, and community service. Temple Sinai has served as a loyal establishment for the South Jersey Jewish community for 25 great years.

The traditions of Temple Sinai, a family growing, learning, worshipping, and working together, are still upheld today. These valuable practices are due to the wonderful leadership by Rabbi Steven Fineblum, teachers, and most importantly, dedicated members to the synagogue.

In recognition to the many years of dedicated religious practice and service to the community, I urge my colleagues to join me in congratulating Temple Sinai on its 25th anniversary.

HONORING RAFAEL LORENZO GALLEGOS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SALAZAR. Madam Speaker, I would like to take a moment today to pay tribute to a dedicated public servant in the State of Colorado. Former State Representative Rafael Lorenzo Gallegos passed away on Monday, May 24, 2010. Colorado and the San Luis Valley have lost a tremendously respected leader.

Representative Gallegos led a remarkable life. He served in the United States Air Force Reserve in the 1950s while he completed his high school education. He then went on to Colorado State University in Pueblo and then to the National Weather Service. He was elected Mayor of Antonito, Colorado in 2002 and went on to represent the San Luis Valley in the Colorado legislature from 2005 to 2008.

While serving in the legislature, Representative Gallegos focused on issues important to southern Colorado. He was passionate about water and agriculture, and about taking care of our veterans. He also worked to bring economic development to the San Luis Valley. Always a friendly face, the former weather man was known throughout the Capitol for delivering the weather forecast every Friday on the House floor before members had to travel home to their districts for the weekend.

First and foremost, Rafael Gallegos was a servant to his constituents, an example to those of us who strive to serve the public. He once said, ''I am there for the people. . . . Whatever I do and however I vote will be in this district's best interest.'' Representative Gallegos never forgot where he came from and he lived to serve others so that they could have a brighter future.

My condolences go out to his family during this difficult time. He will be missed but his legacy will live on through all of the lives that he touched in Southern Colorado.

HONORING WILBUR J. COHEN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. VAN HOLLEN. Madam Speaker, I speak today to honor a remarkable American, Wilbur J. Cohen, on the 97th anniversary of his birth.

From the programs of the New Deal to the Great Society, Wilbur Cohen was a key player in nearly every significant effort that involved social legislation. Nicknamed ''The Man Who Built Medicare,'' Mr. Cohen was responsible for improving the quality of life of millions of elderly Americans. As an acquaintance of Mr. Cohen once said, ''he feels every person in the country who is home alone sick is his personal responsibility.''

Mr. Cohen was born on June 10, 1913 in Milwaukee, Wisconsin. After graduating from the University of Wisconsin—Madison in 1934, Mr. Cohen relocated to Washington, D.C. to pursue his dreams of public service. In short order, he became a key drafter of the Social Security Act. He then became the Director of the Bureau of Research and Statistics, which managed program development and legislative coordination with Congress for the Social Security Board—renamed the Social Security Administration in 1946. Shortly after his election, President John F. Kennedy appointed Mr. Cohen as Assistant Secretary for Legislation of the U.S. Department of Health, Education, and Welfare. During President Kennedy's administration, Mr. Cohen was responsible for obtaining congressional approval of over sixty-five bills. In 1965, President Lyndon B. Johnson appointed Mr. Cohen Under Secretary and, in 1968, Secretary of Health, Education, and Welfare. During the Johnson Administration, Mr. Cohen ensured the passage of the historic Medicare bill and the landmark education bill that granted federal aid to elementary and secondary schools. Not limiting his attention to welfare, Social Security, and Medicare, however, Mr. Cohen also dedicated his efforts to addressing the concerns of school dropouts, Indian health, consumer protection, and the budgetary needs of St. Elizabeth's Hospital, to name a few other issues of concern.

Portrayed by Time magazine as a man of ''boundless energy, infectious enthusiasm, and a drive for action,'' Mr. Cohen's exemplary spirit and selfless dedication to public service have allowed countless people to live healthier and more fulfilling lives. This drive for a better America earned the support of lawmakers on both sides of the aisle for the expansion of social programs to those most in need. A true visionary and a lifelong believer in social justice, Mr. Cohen was an inspiration to all Americans for his tireless advocacy on behalf of the less fortunate. On May 17, 1987, Mr. Cohen passed away, and the United States lost a great pioneer of social legislation.

Madam Speaker, I urge my colleagues to join me in celebrating the life and accomplishments of Mr. Wilbur J. Cohen.

RECOGNIZING 2010 LORDS AND LADIES OF FAIRFAX

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize a dedicated group of men and women in Northern Virginia. For the past twenty-six years, each member of the Fairfax County Board of Supervisors has selected two people from their district who have demonstrated an exceptional commitment to our community. Since the program's inception in 1984, nearly 500 individuals have been recognized as a Lord or Lady Fairfax by their representative on the Board of Supervisors.

Individuals recognized as Lords and Ladies of Fairfax have made significant contributions in their communities. This year, the Fairfax County Board of Supervisors recognized outstanding individuals who have made tremendous impacts through their support of our public schools, parks, youth sports leagues, arts community, public safety providers, and human service programs. It is nearly impossible to fully describe the diversity of accomplishments by the honorees. Their efforts contribute greatly to the quality of life for the residents of Fairfax County and should be commended.

The following individuals were recognized as Lord and Lady Fairfax honorees for 2010. Each of these individuals was selected as a result of his or her outstanding volunteer service, heroism, or other special achievements. These individuals have earned our praise and appreciation.

At Large: Lady Luella F. Brown and Lord Verdia L. Haywood

Braddock District: Lady Shirley DiBartolo and Lord Sam DiBartolo

Dranesville District: Lady Tanveer A. Mirza and Lord Cantor Michael A. Schochet

Hunter Mill District: Lady Carol Ann Bradley and Lord Patrick Kane

Lee District: Lady Suzette Kern and Lord Harry H. Zimmerman

Mason District: Lady Cindy Waters and Lord Mike Magill

Mt. Vernon District: Lady Glenda Booth and Lord Linwood Gorham

Providence District: Lady Sarah M. Lahr and Lord Ken A. Quincy

Springfield District: Lady Lynne M. Garvey-Hodge and Lord Tom Peterson

Sully District: Lady Deborah J. Robison and Lord Steven T. Ratliff

Madam Speaker, I ask my colleagues to join me in expressing our gratitude to these men and women who volunteer their time and energy on behalf of our community. The selfless commitment of these individuals provides enumerable benefits to Northern Virginia and serves to strengthen and enrich our communities.

HONORING RILEY WALTER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Riley Walter upon thirty years of business in the legal field. Mr. Riley will be honored at a reception on Tuesday, June 1, 2010.

Mr. Riley Walter attended California Polytechnic State University, San Luis Obispo (Cal Poly) and earned a Bachelor of Arts degree in 1973 and a Master of Arts degree in 1974, both in Agriculture. While working towards his Masters degree, he worked as an assistant professor of agriculture business management at Cal Poly, Pomona. Upon completing the masters program, Mr. Walter attended Western State University in southern California and received a Juris Doctorate in 1980. During this time, he was also working toward becoming a tenured associate professor at Cal Poly, San Luis Obispo. Later, Mr. Walter became certified as a Business Bankruptcy Specialist by the American Board of Bankruptcy Certification.

In 1980, Mr. Walter passed the bar and in May began practicing in a commercial law firm where he was working on reorganization, insolvency and bankruptcy law in Central California, from Bakersfield to Sacramento. His primary area of practice has become insolvency law, specifically Chapter 11 and specializing in large scale agricultural and agribusiness cases including creameries, processors, wineries, feed mills, farms, ranches and dairies. Mr. Walter also works on consensual restructuring, workouts, liquidations, receiverships, assignment for benefit of creditors

and other insolvency and restructuring matters. For these types of issues, Mr. Walter has Worked with cities, hospitals, developers, energy companies, manufacturing, service and retail businesses. During his thirty years of practice, he has represented debtors and trustees in over three thousand cases under Chapter 11, 12, 7 and 9.

Mr. Walter is actively involved with many legal organizations. He has served as president and director of the Central California Bankruptcy Association and the San Joaquin Valley Chapter of the Federal Bar Association. He has served as the chair of Business Law Section and the Agricultural Law Section of the Fresno County Bar Association. Mr. Walter also served as the director and co-chair of the California State Bar Agribusiness Committee. He has served as director of the California Bankruptcy Forum and the Central California Receivers Forum. He is, or has been, a member of the American Bar Association, American Bankruptcy Institute, American Inns of Court and Society of Agricultural Lenders. He is a former chair of the Agricultural Law Review Advisory Committee at San Joaquin College of Law. He is a fellow of the American College of Bankruptcy, Class XIII and is a Delegate to the Ninth Circuit Judicial Conference. Mr. Walter was selected as a Northern California Super Lawyer for 2004 through 2009.

Outside of his practice, Mr. Walter taught agriculture law as an adjunct professor at San Joaquin College of Law in Fresno from 1989 through 1993. He was also an adjunct professor of management (entrepreneurial studies) at California State University, Fresno. He has authored, co-authored or contributed to many articles. Because of his extensive experience and involvement, Mr. Walter has lectured on bankruptcy topics to business and legal groups numerous times.

Mr. Walter has a long history of involvement in civic and cultural organizations. He currently serves as the vice chair on the board of the Lyles Center for Entrepreneurship and Innovation of California State University, Fresno. He is general counsel to the Central Valley Business Incubator and the Bulldog Fund. Mr. Walter recently retired from the board of the Central Valley Business Incubator, after thirteen years of service with the organization. He was formerly on the boards of the Fresno Business Council, the Fresno Metropolitan Museum, Fresno City and County Historical Society and the Lee Institute for Japanese Art.

Madam Speaker, I rise today to commend and congratulate Riley Walter upon thirty years of legal service to the Central Valley. I invite my colleagues to join me in wishing Mr. Walter many years of continued success.

RECOGNIZING AND HONORING MEMBERS OF ARMED FORCES AND VETERANS

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. TIAHRT. Mr. Speaker, I join my colleagues in strong support for H. Res. 1385 to recognize and honor the courage and sacrifice of the members of the Armed Forces and veterans. Though we appreciate their sacrifice every month, it is important this resolution is passed this month as May is expressly designated National Military Appreciation Month.

We can never say ''thank you'' enough for the sacrifices paid by the Nation's military. The liberties we enjoy today were earned through the bravery and sacrifice of ordinary Americans with extraordinary selflessness. America must never turn her back on her service members and veterans.

We know all too well that freedom is not free. They courageously stepped forward to protect and defend the Constitution and the people of the United States. This resolution is just a small tribute to the great character of all our military service members and veterans.

I urge all my colleagues to join with me in supporting H. Res. 1385 and thanking current and former servicemembers for guaranteeing our freedom.

GIRL SCOUT GOLD AWARD CONGRATULATIONS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize a group of outstanding young girls for achieving the Girl Scout Gold Award, the highest award in Girl Scouting. This year's honorees from Virginia's 11th Congressional District are Michelle Bedker, Randi Beil, Michelle Biwer, Lindsey Brock, Lauren Falkenstein, Kathryn Forestello, Nicole Gray, Brynna Heflin, Carolyn Iwicki, Cassady Keller, Jessica McEvoy, Allison Moats and Ashley Pettway.

The Gold Award is a prestigious award that is earned by a select group of Girl Scouts who have demonstrated a higher commitment not only to community service, but to advocating for lasting change. Each girl carefully evaluated her community's needs and determined the nature and scope of her project and then submitted project proposals to the Gold Award Panel. Additionally, while working on the project, each girl dedicated a minimum of 65 hours. This year's projects ranged from teaching young people to read or play an instrument to protecting the environment and helping the homeless.

Madam Speaker, I ask my colleagues to join me in congratulating these girls on their achievements and for their contributions to their community. I wish them well in all of their future endeavors.

HONORING FAIRFIELD, WASHINGTON

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to applaud the town of Fairfield, Washington for its ongoing commitment to one of our Nation's most symbolic treasures—the American Flag. On June 12, 2010, Fairfield, Washington will host its one-hundredth Flag Day parade. Long known as the ''Town that Celebrates the Flag,'' Fairfield embodies the patriotic, hard working principles that have made this Nation great for over two-hundred thirty-four years.

Originally established in 1777 and celebrated each year on June 14, Flag Day commemorates the unification of this great union under the United States Flag. As part of its Centennial celebration, Fairfield will dedicate a newly installed flag pole to the men and women who have selflessly served in our Nation's armed services. At a time when our Nation's military is involved in multiple conflicts and humanitarian aid missions, this solemn dedication is entirely fitting of Congress' recognition.

I would also like to mention that Fairfield residents' strong beliefs in family, community, and civic responsibility reflect the characteristics the Founders envisioned for the citizens of this great Republic. I am honored to represent these proud Americans and congratulate them and the town of Fairfield on its one-hundredth Flag Day parade.

HONORING MILTON CLOWERS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. WESTMORELAND. Madam Speaker, I rise today to pay respect to Fayetteville, Georgia's Milton Clowers, who passed away last week. A good friend to many, he leaves behind his wife Randi and loving children: son Eric and his wife Amy and a daughter, Cameron. His extended family included several brothers and sisters who preceded him in death and four brothers and two sisters who survive. Probably most special to him were his five grandchildren—Gracelyn, Reginald, Khalil, Tyler and Gabrielle.

Milton was a good friend to me, having known him both personally and professionally. He was born in Tennessee and attended Tennessee State University. Milton pursued a career in the electrical industry, which brought him to Atlanta where he was accepted into the International Brotherhood of Electrical Workers (IBEW) Local 613/National Electrical Contractors Apprenticeship program.

Milton worked hard and diligently to excel in the electrical industry. From the early days at Grove Park Electric to Dixie Electric Company—where he helped bring on Yukon Electric as a joint venture partner for projects for Delta Air Lines—Milton enjoyed a successful career. The highlight of his career was making UpTime Electric the successful electrical contracting firm it is today.

Milton also served on several industry boards including the Atlanta Electrical Contractors Association where he was a President, Governor and Chairman.

Career and community work are important, but a man is only as good as the family and friends who support him. Fortunately, Milton was blessed with an abundance of both. He was a loving and devoted husband, father, brother and friend. He was a strong, multitalented and compassionate man who gave so much to so many. I am proud to speak about him today and honor his life and contribution.

CHESAPEAKE BAY FOUNDATION ENVIRONMENTAL EDUCATORS OF THE YEAR

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize three Fairfax County Public School Principals for receiving the Chesapeake Bay Foundation's 2009 Environmental Educators of the Year Award.

The honorees for this award were Ms. Debra Lane, principal at Rolling Valley Elementary School, Mr. Sal Rivera, principal at Flint Hill Elementary School, and Mr. Dwayne Young, principal at Centreville Elementary School.

These educators have actively infused environmental education in the curricula of their schools and worked to include more outdoor experiences for their teachers and students. Furthermore, these principals were instrumental in establishing a teacher professional development program called ''Chesapeake Classrooms,'' which focuses on the Chesapeake Bay for county principals and teachers.

Madam Speaker, Ms. Lane, Mr. Rivera, and Mr. Young's hard work have shown their commitment to the community and the importance of educating our young people on the values of environmental stewardship. I ask my colleagues to join me in congratulating them on this wonderful accomplishment and wish them well in all of their future endeavors.

CELEBRATING ASIAN/PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 25, 2010

Mr. RANGEL. Mr. Speaker, I rise today to recognize and celebrate Asian/Pacific Heritage Month and the contributions of Asian/Pacific Americans to this nation. It is evident that Asian/Pacific Americans are an important source of cultural capital, having become fixtures in literature, film, music, athletics and all other areas of American society. Annual observance each May was designated because of two significant events, the first being the arrival of Japanese immigrants in the United States on May 7, 1843 and the completion of the Transcontinental Railroad on May 10, 1869.

The United States Census Bureau reports that Asian/Pacific Americans are one of the nation's most diverse populations, numbering 15.2 million and encompassing 28 language groups and 47 ethnicities. 80 percent of the Asian/Pacific American community resides in California, Hawaii, New York, Texas, New Jersey, Illinois, Washington, Florida, Virginia, and Massachusetts. The histories of these groups in America are deeply connected to the history of the United States through such events as the designation of the World War II 442nd Regimental Combat team as the highest decorated military unit in U.S. history, the election of Dalip Singh Saund to the U.S. Congress in 1957 and the appointment of three Asian Americans to the Presidential Cabinet under President Barack Obama.

In addition to the advancements and contributions of Asian/Pacific Americans, we also highlight many of the challenges they have overcome and continue to face today. This legacy includes the Chinese Exclusion Act of 1882 and the internment of Japanese Americans during World War II. More recent difficulties comprise post 9/11 profiling, discrimination and hate crimes against Muslim and Sikh communities and income, language and educational discrepancies in access within the Asian/Pacific American population. Acknowledging these hurdles is the first step in overcoming them and learning from past injustices will lead to a more equitable and progressive United States.

The political presence and civic engagement of the Asian/Pacific American community has increased substantially since their arrival in the United States. Currently, the Congressional Asian Pacific American Caucus is composed of a record 30 members. In addition, the Obama administration has made significant efforts to reach out to the Asian/Pacific American community, including the reestablishment of the White House Initiative on Asian and Pacific Islanders to coordinate the work of multiple agencies and ensure more accurate data collection and greater access to services. The United States recognizes the uniqueness of this Asian/Pacific American constituency and the valuable contributions of its members.

I respect and admire the advancements of Asian/Pacific Americans and anticipate their growing political representation and inclusion in all levels of government and American society.

CELEBRATING THE LIFE AND MEMORY OF MR. GERALD A. WILLIAMS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate the life of and express sadness over the untimely death of lawyer and friend Gerald A. Williams.

Mr. Williams was not only a friend but a brilliant lawyer whose mission was to serve our community in South Florida. He was a humble man and a true role model.

He had served as the chief counsel to the Palm Beach County School Board since November 2005 and was responsible for all legal matters involving the School Board. Prior to serving as Chief Counsel, he served for four years as Chief Negotiator and Chief Officer of Administration for the school district.

In numerous appointments and positions, Mr. Williams also served as general counsel for the Virgil Hawkins Florida Chapter of the National Bar Association, as treasurer and executive board member for the Urban League of Palm Beach County, and as co-founder and president of the Suncoast Chamber of Commerce in West Palm Beach.

Mr. Williams became one of the first black graduates of the University of Florida College of Law in 1975. His firm, Haygood & Williams, grew into the largest all-black law firm in the state. Mr. Williams left private practice in 1997 to serve as Chief Labor Counsel, and Chief Officer of Labor and Legislative Relations for Dade County Public Schools.

In 2009, Mr. Williams was recognized by Florida Trend Magazine as one of Florida's Legal Elite and identified as one of the top government attorneys in the state.

Mr. Williams was a husband, a father, a brother, an uncle, a godfather, a dedicated public service attorney and community leader. I am grateful for Mr. Williams' contributions and dedication to Palm Beach County. He will be greatly missed. My thoughts and prayers go out to his family, friends and to the greater community during this difficult time.

IN HONOR OF JOSEPH CARUSO

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Joseph Caruso, a resident of Delanco, New Jersey and dedicated volunteer at Catholic Charities, Emergency and Community Services.

Joe has been volunteering with Emergency and Community Services for the past two years as a trained tax preparer. As one of two tax preparers, Joe has provided free tax preparation for hundreds of seniors and low-income residents of Burlington County.

In addition to his tax services, Joe took on the temporary duties of the Pantry Manager. Through his dedication and commitment to the program's goals, he reorganized the food pantry, handled all food and household donation pick-ups, developed a food inventory tracking system, provided routine maintenance of the pantry's refrigerators and freezers, and advocated with donors to secure additional food items for the pantry program.

Joe does whatever is necessary to make sure that our hungry neighbors do not go without food and quietly goes about his work not expecting or wanting any accolades. He has been a valuable asset to the program and his selfless efforts have to be recognized.

Madam Speaker, I ask that you please join me in congratulating Joe for his outstanding and dedicated service to the less fortunate in our South Jersey communities.

MARYLAND WOMEN'S LACROSSE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HOYER. Madam Speaker, I rise to congratulate the women's lacrosse team of my alma mater, the University of Maryland, on its record tenth national championship. In the March 31st championship game, Maryland defeated Northwestern University, a lacrosse dynasty in its own right, by a score of 13–11.

Congratulations are especially due to Coach Cathy Reese, who was rewarded with success after returning to coach at her alma mater; to senior Caitlyn McFadden, who starred in her last collegiate game with two goals and an assist, and was named the tournament's Most Outstanding Player; and to the Maryland fans,

who turned out to support their Terrapins in record numbers. This championship is the product of outstanding athletes and coaches, untold hours of hard work, and the passionate support of the University of Maryland community. The University of Maryland demonstrates excellence in both academics and athletics, and I'm proud of this team for contributing to that legacy.

RECOGNIZING FOREST PARK HIGH SCHOOL PRINCIPAL ERIC BRENT ON RECEIVING THE WASHINGTON POST DISTINGUISHED EDUCATIONAL LEADERSHIP AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 08, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Principal Eric Brent, the winner of the Washington Post Distinguished Educational Leadership Award for Prince William County Schools.

Principal Brent has more than 23 years of educational experience and is currently the principal of Forest Park High School. He has served as a secondary classroom teacher, coach, sponsor, guidance counselor, director of student services, assistant principal, and principal during his career. He is a student body favorite and is known as a devoted mentor who takes a sincere interest in the lives of his students. Teachers and parents cite his administrative style as polite and collaborative. His diverse experience and enthusiasm for education have given him the skills and talent to be a first-class principal.

His work at Forest Park High has produced a long list of results and accolades. In 2008, Newsweek magazine ranked Forest Park High School on its annual list of "America's Top Public High Schools." During his tenure, student scores on the SAT improved from 1511 to 1528 and the number of graduates attending four-year higher education programs increased from 50 percent to 60 percent. In 2009, Principal Brent was recognized for these accomplishments when he was named Principal of the Year in Prince William County.

Madam Speaker, I ask that my colleagues join me in congratulating Principal Eric Brent for receiving the Washington Post Distinguished Educational Leadership Award for Prince William County Schools. He is an asset to our local school system, and his work is helping countless children and setting them on the right path for a positive future.

THE GAZA FLOTILLA INCIDENT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SCHIFF. Madam Speaker, Israel has the right and the duty to defend its citizens from attack, and it is both reasonable and prudent to interdict weapons from being smuggled into Gaza.

Last Monday's confrontation between Israeli naval forces and a group of activists seeking to bring supplies to the Hamas-governed Gaza Strip was tragic, and I join the worldwide outpouring of grief over the deaths of nine people aboard the *Mavi Marmara*.

In the midst of his tragedy, we must not forget that Israel has been engaged in a protracted struggle with Hamas, a terrorist organization that has repeatedly stated that it will never accept Israel's right to exist, and which has used the 1.4 million people of Gaza as human shields for rocket attacks and other acts of terror against Israeli citizens.

The Turkish group that organized the flotilla, the IHH, must accept responsibility for the loss of life aboard the ship by deliberately provoking a confrontation with Israeli Navy personnel enforcing a legal blockade of Gaza. Rather than accepting Israel's offer to offload its cargo in Israel for subsequent transport via the land crossings into Gaza, the *Mavi Marmara* chose to try to run the blockade and then resisted the Israeli boarding party, beating Israeli troops with metal pipes and other weapons. In the days since the incident, it has been revealed some of those aboard the ship were jihadist provocateurs seeking a clash with the Israeli military. And regrettably in this, they were successful.

The international community must show greater resolve in forcing Hamas to renounce terror, accept Israel's right to exist, and abide by prior agreements. We must work together with Israel to meet the urgent needs of the people of Gaza, but Hamas bears ultimate responsibility for the continued suffering of the people of that region.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. ACKERMAN. Madam Chair, several months ago I received a letter from a solider who lives in New York. The letter was very similar to those that many members of Congress receive from brave servicemen and women who reside in their districts. The letter spoke of multiple tours through Iraq and Afghanistan, of volunteering for more service even after completing enough tours to retire, and of the pride of a soldier who loves his country and is willing to sacrifice so much to defend it.

But this letter was not quite the same as those that many of us here in the Capitol receive from time to time. You see, despite serving his country for more than 20 years, despite volunteering to serve in a combat zone to defend America's principles of freedom from tyranny and from persecution, and despite receiving two bronze stars for meritorious service to his country, the gay soldier who wrote this letter is required by United States law to lie about who he is or face being discharged from the military.

For 16 years, "Don't Ask, Don't Tell" has placed an unthinkable and immoral burden on gay and lesbian servicemen and women, who, under United States law and unlike their heterosexual counterparts, must hide their sexual orientation and their partners from the military. Their partners are not eligible for the military spousal benefits to which the partners of heterosexual servicemen and women are entitled, including health care and better housing. Madame Speaker, "Don't Ask, Don't Tell" is, by definition, a discriminatory policy.

In the course of tonight's debate, several members have characterized the House of Representatives' impending vote to repeal "Don't Ask, Don't Tell" as a step forward for morality and equality. And it is. But, before we collectively pat ourselves on the back for a job well done, I would remind my colleagues that tonight's step forward is only a result of the giant leap backwards we took when we instituted the policy in the first place. Years from now, when our children read about "Don't Ask, Don't Tell" in their history books, what will they think of a government that so shamefully turned its back on gay servicemen and women in the interest of a political compromise?

Madam Chair, politics is a business of grays. Seldom do we have the opportunity to vote on legislation that is black or white, moral or immoral, right or wrong. Tonight is the rare exception.

For the thousands of gay servicemen and women who so bravely serve our country everyday but who live in constant fear of being discovered for who they are, for the principles of freedom and equality upon which the United States of America was founded, and in the interest of righting a wrong that has persisted for far too long, I rise in support of the amendment before us and for the patriotic soldier whose letter I enclose for the record; a letter in which he implores me: "If and when this issue ever comes up for debate, and even for a vote in Congress, I respectfully ask you to remember all the gay military personnel who are right now risking our lives to defend the U.S. and its values."

Madam Chair, that moment has come.

Hon. GARY ACKERMAN,

Member of the House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN ACKERMAN: I am a captain in the United States Army Reserve, and am presently deployed to Afghanistan. I am writing to you with regard to the military's so-called "Don't Ask, Don't Tell" (DADT) policy. As you may know, there is currently a strong push in Congress to overturn DADT—under which otherwise qualified gay men and women are still being involuntarily dismissed from service—and replace it with a policy of nondiscrimination on the basis of sexual orientation. I strongly support this proposed policy change. I would like to explain the basis for my judgment.

I am a veteran of both the U. S. Navy Reserve and the U. S. Army Reserve. In the latter I have served as both a sergeant and as a commissioned officer. Since the terrorist attacks of September 11, 2001 I have completed tours of duty in Afghanistan, Iraq, and Kuwait. I was informed that I had completed twenty good years of Reserve military service, and had thus earned the right to retire. But I did not want to retire with my country still at war. So I volunteered for another combat zone deployment, and am serving once again in Afghanistan. I have been at my current duty station———. I recite this brief resume to let you know that I am no mere observer of the military, but rather someone who has dedicated much of my life to our national defense.

Congressman Ackerman, I am also one of the many gay military personnel who have served our country faithfully in these times of terrorism and war. I want to give you my personal perspective on why DADT is so wrong. First of all, it is widely recognized that a married service member's relationship with his or her spouse has a profound impact on that service member's fitness for duty. Thus, straight married service members are free, within the limits of resource availability and operational constraints, to maintain communications with their spouses. In fact, such communication is actively encouraged. Regular phone calls, e-mail, and postal letters really help both the service member and spouse get through the strain of combat zone deployments in particular.

Many gay service members have committed partners who, every day, face the same stress and make the same sacrifices as do their straight counterparts. But because of DADT, gay service members and their partners have to constantly worry that an overheard telephone call, an intercepted e-mail message, or other type of compromised communication could lead to a degrading, career-destroying investigation. It is wrong, I believe, to place such additional burdens on the back of American patriots.

I write of these matters from personal experience. When the 9/11 terrorist attacks occurred I was in a serious long-term relationship. But the extensive post-9/11 active duty I performed put a serious strain on this relationship. The relationship finally fell completely apart during my first Afghanistan deployment in———.

As you may know, the military has seen a troubling increase in the service member suicide rate since 9/11. Furthermore, the loss of a serious relationship is one of the critical risk factors that may contribute to such suicides. I experienced this particular risk factor and my situation was compounded by its occurrence in a war zone. Six years later, I can still vividly remember cradling my government-issue pistol in my hands and fighting the urge to blow my own brains out.

I made it through that crisis. I completed my mission in Afghanistan successfully, and in fact was decorated with a Bronze Star Medal at the conclusion of that tour. I went on to earn a second Bronze Star Medal in Iraq two years later, and was promoted to——— shortly after that.

What made that crisis particularly difficult was the isolation imposed on me as a result of DADT. A straight Soldier in a comparable crisis could turn to his commander, his first sergeant, or a ''battle buddy'' for help and advice. But such avenues are legally closed to gay troops. If I, for example, had shared the details of my situation with my commander—a decent and honorable man—he would have been legally obligated to have initiated an investigation that would have heaped even more stress upon me, disrupted my unit's mission, and ultimately destroyed my career.

I know that many would say that a gay service member in such a situation could go to a chaplain in confidentiality. I have great respect for our military chaplains and for all the good work that they do. But I also believe that no service member should feel forced to see a chaplain as his or her only option. Every service member should have the right to speak freely with a commander, a trusted noncommissioned officer, or a battle buddy. I assert this not only as an individual Soldier, but also as an officer with extensive experience as a platoon leader and company commander. When I have been in these command positions, I have had Soldiers share with me some very personal information about their families and home lives. I was glad that these Soldiers trusted me, and this bond of trust and openness enabled me to give each individual the counsel or moral support that was needed. But what about gay troops? They are legally deprived of such a relationship with a commander, a senior noncommissioned officer, or a battle buddy. This is wrong. These gay troops—especially those experiencing the stress of combat zone duty—deserve access to such relationships. The DADT policy shackles the hands of leaders like myself and prevents us from properly supporting all our troops. This policy puts service members and their loved ones at risk. DADT is a shameful blot on our national honor.

I know that many are wary of a repeal of DADT. Perhaps some—particularly those who oppose homosexual conduct on religious grounds—see such a policy change as the equivalent of governmental approval of homosexual conduct. But this is not so. Let me strike an analogy. Many religious individuals are opposed, on biblical grounds, to divorce and remarriage. But persons who have divorced and remarried are plentiful in the armed services, and many serve alongside very conservative religious persons every day. Respecting divorced-and-remarried persons as military professionals does not mean one agrees with their personal life choices, or that the government is advocating such choices. To me, the main issue is that we respect personnel who serve their country honorably and who act with responsibility and integrity in their personal lives. For example, in the military we will punish a ''deadbeat dad'' who neglects to pay his child support, but we support and respect the divorced father who stays committed to his parental responsibilities. I believe that we need to take a comparable stance towards gay service members.

There are also some who claim that repealing DADT will negatively impact morale and discipline in our armed services. But I have never seen a single shred of empirical evidence to support such assertions. In fact, the available evidence suggests that treating gay and straight troops equally has no negative impact on military forces. Consider the fact that many of our key allies in current combat and security operations—nations such as the United Kingdom, Canada, and Australia—do not discriminate on the basis of sexual orientation in their armed services. These fighting forces continue to perform admirably. Furthermore, troops from these and other nondiscriminatory nations live and serve side by side every day with U.S. troops in war zones. On this current tour, for example, I personally have shared living and bathing facilities with uniformed personnel from Australia, Canada, Denmark, Spain, and the United Kingdom—never have I seen a U.S. serviceman run shrieking from the showers because he feared that he might encounter an openly gay individual from one of these allied nations. Last year I met an openly gay chief petty officer from the Australian navy. He had served as part of a U.S.-led multinational team in Iraq. He told me that not only was his presence no problem for the Americans, but they decorated him with a U.S. medal at the end of his tour! Surely if Americans can accept a gay Australian, they can also accept gay fellow Americans. People who claim that the U.S. military cannot manage a policy of sexual orientation nondiscrimination are not only ignoring the realities of current operations, but they are also essentially saying that American service personnel are less professional than those of the U.K., Canada, and other nondiscriminatory nations—I consider such an assertion to be a highly offensive insult.

Of course, my argument ultimately leads to a logical—and fair—question: How do we manage this change in policy? The answer is simple. Hold gay service members to exactly the same standards we hold straight service members. If gay individuals were to commit acts of sexual harassment, or engage in any other type of activity that goes contrary to military order, we would discipline them appropriately—and separate them from the service if necessary. This happens to straight service members when necessary; I myself once had to discipline a straight male noncommissioned officer for his inappropriate behavior towards a junior female Soldier. This NCO accepted my counsel, corrected his behavior, and completed his tour of duty successfully. On the other hand, those gay individuals who conduct themselves with honor and dignity, and who demonstrate respect for their fellow service members, would continue to do their jobs. This is exactly the policy that coalition militaries, many U. S. police departments, and dozens of civilian corporations have been following successfully for years. Are we really to believe that this course of action is beyond the capability of the U.S. military?

In fact, I believe that the demise of DADT will happen as smoothly and quietly as did similar policy changes in the militaries of allied nations. Gay troops who have been behaving in a professional manner prior to the demise of DADT are not suddenly going to begin engaging in outrageous or disruptive behavior. Today's gay troops, despite the burdens of DADT, are putting their lives on the line every day to defend this country; many of us have been tested in Iraq, Afghanistan, Somalia, and other challenging locations. If the military gets rid of DADT, we will continue to do our jobs and take care of our battle buddies; we and our commanders will simply have a terrible burden lifted from our shoulders.

Congressman, after more than two decades of military service—at sea and on land, from the Cold War era to the Global War on Terror, in joint service and multinational environments—I think I know the women and men of our armed forces pretty well. I can tell you that every day U. S. service members overcome barriers of difference—difference in race, ethnic heritage, religion, regional origin, gender, socioeconomic class, and other areas. Sexual orientation is just another element in this complex equation. We are able to overcome all these types of difference and form cohesive teams by focusing on the basics: mutual respect, a solid work ethic, personal integrity, and commitment to our common missions. We are also able to recognize that a person whose difference may initially unsettle us may also possess a critical skill, a body of knowledge, or a depth of experience that we need to accomplish these common missions. Can we afford to lose a fluent Arabic linguist because she is a lesbian? Can we afford to discard a combat seasoned infantryman because he is gay?

I have enclosed with this letter some documentation from my combat zone service. My contributions have been modest compared to the heroism shown by many of my sisters and brothers in arms. Still, I am proud of what I have achieved. I leave it to you to look at my record and determine whether or not the military would be better off if I—and, for that matter, thousands of people like me—were to be involuntarily dismissed from duty.

I am an ordinary guy who grew up in New York. My dad is a retired New York City cop who was deeply impacted by the 9/11 terrorist attacks. Like any other deployed Soldier, I call my folks at least once a week, and they worry about me just like the parents of any Soldier. I don't want to turn the military into some sort of gay utopia. I just

want gay Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen—together with our loved ones—to have the sort of peace of mind that our straight sisters and brothers take for granted.

Congressman Ackerman, I read on your Web site about how you stood up for Soldiers who were not getting their combat zone tax exemption in Iraq. So I know you are a leader who believes in taking care of the troops. Sir, I believe that now is the time to give troops like me relief from the injustice of ''Don't Ask, Don't Tell.'' If and when this issue comes up for debate, and even for a vote, in Congress, I respectfully ask you to remember all the gay military personnel who are right now risking our lives to defend the United States and its values. If you have any questions or comments about anything I have written, you may contact me via e-mail. And please feel free to share this letter and its enclosures, including my contact information, with any individuals or organizations whom you deem appropriate.

Sincerely, ———.

CONGRATULATING NASCENT SOLUTIONS, INCORPORATED ON ITS FIFTH ANNIVERSARY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Nascent Solutions, Incorporated on its fifth anniversary. Nascent Solutions is a humanitarian and development organization headquartered in the Commonwealth of Virginia which benefits several impoverished African countries.

Founded in 2004 by Dr. Beatrice Wamey in Fairfax Station, VA, Nascent Solutions has grown over the past 5 years with the help of donations and partnerships with other international and faith-based organizations. Now registered as a Public Volunteer Organization with the United States Agency for International Development, this organization is devoted to building the capacity for the poor in rural Africa to achieve self-sufficiency and assume total responsibility for their well-being.

Among the organization's primary objectives are care for orphans and vulnerable children, literacy and skills development, basic health and child care, agricultural development and food security, and protection of the rights of women and children. This organization empowers young people and women in underprivileged African environments by providing resources and skills development programs that would have otherwise been absent from their lives. Through these efforts, Nascent Solutions effectively responds to the immediate needs of the people and encourages them to recognize and strive to work towards their potential.

Over the past 5 years, Nascent Solutions has been able to respond to natural disasters with relief efforts, provide food and clothing to underprivileged children, improve the health of the African people through agricultural development, promote and expand civil rights, and improve the education system. This organization models the selflessness and concern for humanity for which we all strive.

Madam Speaker, I ask my colleagues to join me in recognizing the vision and dedication of those individuals who have worked to create an organization so committed to international development. I wish Nascent Solutions continued success in its work to provide help and hope to those who so desperately need it.

RECOGNIZING THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor and commemorate the National Museum of American Jewish History.

Originally established in 1976, the National Museum of American Jewish History is the only museum in our great Nation which has devoted itself fully to the preservation and exploration of the American Jewish experience. This important museum was founded by the Congregation Mikveh Israel, one of the oldest synagogues in the United States. Established in 1740 as the ''Synagogue of the American Revolution,'' the Congregation Mikveh Israel stands for values and ideals which all Americans share.

The National Museum of American Jewish History is a vibrant component in the cultural life of Philadelphia. Through its lectures, panel discussions, authors' talks, films, children's activities, theater, and music, this museum educates us all about the rich cultural heritage of Judaism in America. It has an impressive record of preservation, conservation and collections management and is the largest repository of Jewish Americana in the world, with more than 25,000 objects.

Honoring and remembering the American Jewish experience is crucial to a deeper understanding of our values as Americans. Located at the birthplace of American liberty, this institution represents our freedoms, the same freedoms that have made it possible for Jewish Americans to flourish.

Madam Speaker, I am proud to offer my ongoing support for the National Museum of American Jewish History and for its project of preserving the material culture of Jewish Americans. It is my belief that we must recognize the great efforts of this institution to educate Americans about this important piece of our shared history.

TRIBUTE TO DR. ROSA ATKINS

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PERRIELLO. Madam Speaker, today I wish to recognize Dr. Rosa Atkins, who was named Virginia's Superintendent of the Year on May 20, 2010. Last October, U.S. Education Secretary Arne Duncan attended a roundtable discussion at Greenbrier Elementary—our Blue Ribbon school—with area school superintendents. In that meeting, Secretary Duncan saw in Rosa Atkins what we see every day, and what the Virginia Association of School Superintendents recognized with this award—an educator fiercely determined to lift all of her students.

It is a task worthy of Hercules, but she accomplishes it with grace and seemingly with ease.

But we know closing the achievement gap is not easy. It is especially difficult in tough economic times. But Dr. Atkins has tenaciously persevered and the results are remarkable—and ongoing.

You would be hard pressed to identify a single job more important to a community than school superintendent, and you would be hard pressed to identify a single individual better suited to that job than Dr. Rosa Atkins. On behalf of Virginia's 5th District, I offer my deepest appreciation for her service to our students.

TRIBUTE TO MR. JEFF THEERMAN, PRESIDENT OF THE NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. CLAY. Madam Speaker, I rise today to congratulate Mr. Jeff Theerman, Executive Director of the Metropolitan St. Louis Sewer District, MSD, on his election as the new President of the National Association of Clean Water Agencies, NACWA.

Mr. Theerman is an accomplished leader and committed environmental steward. He has dedicated his career to the improvement of the environment and public health in Missouri, and throughout the Nation. Without a doubt, he is ideally suited for this national leadership position with NACWA.

Mr. Theerman has served Missouri through his work at MSD for over 25 years. In October of 2003 he was named MSD's executive director, willingly and ably accepting accountability for all aspects of the utility's operations.

As MSD's executive director, Mr. Theerman leads one of the Nation's largest wastewater and stormwater management utilities, providing services to approximately 1.4 million people in the city of St. Louis and St. Louis County. Under his leadership the MSD currently operates seven wastewater treatment facilities, treating an average of 330 million gallons of water per day and maintaining 9,649 miles of sewers.

Since joining others in founding NACWA 40 years ago, the Metropolitan St. Louis Sewer District has benefitted from his active engagement with the organization. A member of NACWA's board of directors since 2004, Mr. Theerman has served as the organization's secretary, treasurer and vice president. It is fitting that his election as president coincides with the 40th anniversary of NACWA's advocacy on behalf of the Nation's clean water agencies—and the environment we all value so much.

When I hear terms like ''accountable'' and ''responsive,'' I think of public servants like Mr. Theerman. Under his able leadership NACWA looks forward to proactively and effectively addressing the complex 21st century water quality challenges we face as a Nation.

It is my sincere pleasure to congratulate Jeff Theerman on becoming president of NACWA. I am certain his actions will ensure continued water quality progress for St. Louis, Missouri, and the Nation.

IN RECOGNITION OF THE RECIPIENTS OF THE 2010 VOLUNTEER PRINCE WILLIAM, VOLUNTEER APPRECIATION AWARDS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the recipients of 2010 Volunteer Prince William, Volunteer Appreciation Awards.

Every year since 1981, Volunteer Prince William and the Volunteer Coordinators Network host a Volunteer Recognition Ceremony. The organizations gather and celebrate the accomplishments of hundreds of Prince William volunteers. These citizens of all ages and abilities work in agencies throughout the community to help citizens in need; feeding the hungry, building houses, keeping seniors safe in their homes, tutoring children, protecting our resources, sharing our history, responding to disasters or simply being a good neighbor.

It is my pleasure to enter into the CONGRESSIONAL RECORD the recipients of the 2010 Volunteer Prince William, Volunteer Appreciation Awards.

31st District Court Service Unit: Pamela Millett, Charles Trepel, Sharon Stefl, Lindsey Washington, Christopher Taylor, Kalisha Spence, and Kiara Ayenson.

Action in Community Through Service: Dave Forcier, Elsa Lewis, William Parker, Mocha Moms, Lee McCormack, Latonya Thomas, Alexis Thompson, Shakira McEachren, Jalishka McEachern, Martha Hendley, Beth Madden, Jason Burgess, and Mary Manning.

Citizen Corps Council: Howard Horner, Matt Dixon, Jacob Koch, Jonathan Leonhard, Debra Bobbitt, Pastor Heath Butler, Tom Wheeler, Katherine Wheeler, Camille Apicella, Miquela Apicella, Joe Hall, Shane Hall, Lori Hall, Griffiin Peters, Beth Peters, Vivian Rivero, Kayla Hernandez, Karina Hernandez, Jamie Shalvey, Danielle Johnson, Dorothy Hill, Peggy Ho, Christian Reotuter, Melissa Murden, Brian Shaw, Tyler Bezek, Zachary Bezek, James Harbour, John Harbour, George Killian, Paul Neiderer, Sam Neiderer, Conor Sanderson, Gregory Stoffa, Caleb Voelker, Forest Voelker, Spencer Voelker, Bill Bezek, Mark Harbour, David Neiderer, Albert Stoffa, Danielle Voelker, Jordan Tibbs, Jonathan Tibbs, Devante Thomas, Joan Beaner, Dan Bergin, Silvana Ellis, Dave Ellis, and Alexis Thomas.

Habitat for Humanity: Mark Luiggi, Lynn Ashe, Steve Fedos, Betty Reichert, Jasmin McDonald, George Braun, Frank Jacquette, David Dallas, Marci Swanson, Irene DuBois, Marlena Kauer, Al Harris, Sheila Lueking, Lynn Eklund, Mayumi Ferrin, Christina Arllen, Jessica Baker, Jody Miller, Bob Gainer, Sarah Awwad, Shawn Byers, Joseph Bolos, Donita Ruehs, Jarvis Jones, Patricia McKenzie, Kelli Akremi, David McKissick, Josue Garcia, Iain Shaw, and Kelly Atkinson.

Manassas Park Police Department: Tricia Sutherland and Heather Gustin.

Prince William County Historic Preservation Division Volunteers: Morgan Breeden, Mary Kay Breeden, Daniel Breeden, Vanessa Bulk, Gladys Eanes, David Eanes, Charles Elder, Kenneth Garlem, Kyle Lee, Howard Margolies, Pat Margolies, Tony Meadows, Georgia Meadows, Suzanne Obetz, Roger Pelletier, Angela Pelletier, Pamela Sackett, Bill Scott, Barbara Ziman, Kareen Attreed, Brenda Caricofe, Nerine Clemenzi, Sandra Dawson, Kathryn Fullerton, Leslie Harris, Kelly Hunsaker, Chris LeGrand, Sandy Melson, Gay Misso, Janice Overman, John Overman, Joanne Porreco, Patsy Smith, Winnie Tierney, Linda Weeks, Pat Wink, Mary Anne Burgess, Maria Burgess, Rose Ann Carlsen, Sharon Dougherty, Florence Gish, Linda Lasko, Michaeleen McGettigan, Nellie Elaine Armstrong, Elizabeth Cardinal, Norma Newbold, Nikki Ott, Lucille Selfridge, Wanda Simpson, Linda Stauffer, Carolyn Werle, Jill Wiest, Don Wiest, Diana Turner, Patrice Malley, Avery Born, Dave Born, Sue Born, James Craft, Joanne Craft, Gisela Glodeck, Phyllis Ingram, Phil Maddox, Kyle Maddox, Matt Maddox, and Bonnie Swank.

Juvenile Detention Center: Substance Abuse Prevention, Virginia Hills Youth Ministries, Ebenezer Baptist Youth Ministries, First Mt. Zion Youth Services, Friends of Juvenile Detention Center Youth Ministries, Girls Circle, Greenhouse Gardening with Youth Master Gardner, Heritage Fellowship Youth Ministries, Life Skills Instructor, Reconciliation Community Church, St. Francis Youth Ministries, Youth Ministries from St. Francis Middle School, St. Paul's Youth Ministries, Success Oriented Students-Court Smart, Star of Bethlehem Youth Ministries, Tri-County Ministries, Youth Outreach Services-Youth Services, and St. Mark's Lutheran Friendship House.

Prince William County Police Department: Bill Graham, Barbara Merer-Brice, Rick Mensch, Lee Ann Smith, Vicky Smith, Karen Wilkens, Chaplain J. Douglas Duty, Jr., Ed Roman, Dave Whitman, and Patricia Whitman.

Prince William County Sheriff's Office: Mike Fradette, Paula Adams, Nikki Adams, Ritchie Dennison, Tom Muddiman, Bryan Kelly, Jim Lippold, Jack Fulmore, E. Phillips Grier, Burnadeane Day, Betty Ann Blanton, Sharon Livingston, Sandy Sindlinger, Debbie Stryker, and Jamie Esquerra.

Project Mend-A-House: Dean Quick, Scott Sells, Linda Pulley, Jeff Hintosh, Howard Horner, Raymond Stuckey, Laurie Zeiszler, Brian Henkel, Robin Bales, Joe Swetnam, Walt Koscinski, Marti Hale, and Myrna Andres.

Retired & Senior Volunteer Program: Penny Spatzer, Ellen Newdorf, Linda Pulley, Dave Forcier, Bob Finch, Ed Roman, Mitzi Roman, Kim Roman, Janelle Bryant, Ronda Davis, Jayne Frelin, Anna Griffin, Leticia Click, Pete Click, JoAnn Barron, Cindy Zelinski, and Cara Sundholm.

SERVE—A Program of Northern Virginia Family Services: Mickey Heyward, Ginny Heyward, Amy Sue Huheey, Rob Huheey, Justine Huheey, John Durkin, Maggie Hart, Anna Hooker, Esther Caesar, Marilyn Ruland, Leigh Anderson, Sue Johnston, Rana Chehreh, Tom Bohacek, Steve Fritter, Ralph Lickey, Jane Lickey, Pat Margolies, Howard Margolies, Don Shaw, Mona Shaw, Paul Perdue, and Rachel Hall.

Volunteer Prince William: Connie Beck.

Madam Speaker, I ask my colleagues to join me in commending the recipients of the 2010 Volunteer Prince William, Volunteer Appreciation Awards. A vibrant and robust culture of volunteerism is the backbone of a healthy community. I extend my appreciation to the dedicated individuals who selflessly contribute their time to alleviating the plight of others.

RECOGNIZING BEN ARREDONDO, RETIRING MEMBER OF THE TEMPE CITY COUNCIL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Ben Arredondo and his 16 years of service as a member of the Tempe City Council. I wish to thank him for his dedication to public service and look forward to seeing his future accomplishments within our community.

Councilmember Arredondo's contribution to Tempe has been both earnest and extensive. His years of teaching and service on school boards and the City Council have revealed him to be a fierce champion for improvement of education and commitment to our youth and to the community. As a former teacher and Mayor of Tempe, I respect and share Ben's commitment to public service and education, and wish to thank him for his tireless efforts and leadership.

Though Ben will be retiring from the Tempe City Council, his service to his community will surely continue in other capacities. Also, his family's legacy of service to Tempe will continue through his niece, Robin Arredondo-Savage, who was recently elected to the City Council. I am honored to call Ben a friend, and I wish him all the best in his next endeavor.

Madam Speaker, please join me in recognizing Ben Arredondo's 16 years of outstanding service as a member of the Tempe City Council.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Ms. JACKSON LEE of Texas. Mr. Chair. I rise in support of the National Defense Authorization Act for Fiscal Year 2010. As a member of both the Foreign Affairs and Homeland Security Committees, I support Chairman IKE SKELTON and the Democratic leadership's investment in our military to increase our national security. I support our men and women in the armed forces and our need to ensure our national security.

This defense bill reflects our commitment to support the men and women who fight to secure not only our citizen's freedom, but the freedom of others. This bill will provide the necessary resources to protect the American people and our national interests at home and abroad. The Armed Services committee has provided for military readiness; taking care of our troops and their families; increasing focus on the war in Afghanistan; and improving

interagency cooperation, oversight, and accountability in this year's defense authorization bill.

I thank the Chair for this opportunity to explain the amendments I propose to the National Defense Authorization Act for Fiscal Year 2010. My first amendment would require the Secretary of Defense to provide a report, not later than December 1, 2010 to the Congressional Black Caucus, that includes a list of minority-owned, women-owned, and disadvantaged small businesses, who receive contracts resulting from authorized funding to the Department of Defense. The list shall cover the 10 calendar years preceding this Act and shall include for each listed business, the name of the business, the business owner and the amount of the contract award.

Mr. Chair, I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Small businesses employ 57.4 million Americans. Many Americans seek to fulfill the American dream by becoming small business owners and everyone in the United States should be given the same opportunity to fulfill that dream.

Women and minorities have long been disadvantaged when it comes to getting business opportunities and it is important to provide educational resources that will enable women, minorities and other disadvantaged business owners to arm themselves with the necessary tools they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

My second amendment would make available post-traumatic stress counseling for civilians affected by the Fort Hood shooting, and shootings at other domestic military bases.

Many of those who passed in the November shooting were at Fort Hood preparing to risk their lives for our country. I would like to express my deepest sympathies for the loss of these 13 soldiers. My thoughts and prayers go out to their families during their time of bereavement. It is unacceptable that soldiers should fear attacks on American soil. I want the military and their families to always be protected as they are the backbone of American society. It is not only our soldiers who make sacrifices to protect our great nation, but their families and civilians as well. I am deeply saddened and troubled by the shootings at Fort Hood, especially because soldiers and their families from my own district are there.

I want to commend the soldiers at Fort Hood for their valiant and selfless acts of bravery. Soldiers rushed to treat their injured colleagues by ripping their uniforms into makeshift bandages. The top commander at Fort Hood is crediting a civilian police officer, Sgt. Kimberly Munley, for stopping the shooting. Fort Hood police Sgt. Kimberly Munley and her partner responded within three minutes of reported gunfire, and Munley shot the gunman four times despite being shot herself.

Another story of heroism is that of 19 year old Amber Bahr. The nutritionist put a tourniquet on a wounded soldier and carried him out to medical care. And only after she had taken care of others did she realize she had been shot. Both women heroically intervened despite being shot.

Incidents like this bring light to the types of issues our military service men and women face on a daily basis. When I visited Fort Hood, and spoke with the victims of the shooting, I was reminded that we can not ignore the side effects of military service, and we must ensure that both the physical and mental health of those who serve our country is carefully attended.

Although the shootings all took place on one day, they will leave a legacy on each soldier, contractor, and civilian on the base. Many base personnel, like Sergeant Munley and Ms. Bahr witnessed events as horrific as those on any battlefield. Similar to returning from the battlefield, soldiers and contractors who were at Fort Hood must go through a painful rehabilitation process to come to terms with the events they witnessed and experienced.

There have been numerous reports of Enlisted Personnel, National Guards, Reservists and Veterans suffering from PTSD-like symptoms for well over 100 years. Some examples are veterans of U.S. Civil War who suffered emotional problems and were said to be afflicted with ''soldier's heart'' or ''Da Costa's Syndrome'', veterans of World War I was diagnosed as ''shell shocked'', veterans of World War II were classified with ''battle fatigue'' or ''combat fatigue''. Other terms used to describe military-related mood disturbances include ''nostalgia'', ''not yet diagnosed nervousness'', irritable heart'', effort syndrome'', ''war neurosis'' and ''operational exhaustion''. War veterans are the most publicly-recognized victims of PTSD; long-term psychiatric illness was formally observed in World War I and the syndrome entered public consciousness after the Vietnam War.

Enlisted Personnel, National Guards, Reservists and Veterans with PTSD have lived through traumatic events that caused them to fear for their lives, bear witness to horrible things, and feel helpless and hopeless. PTSD symptoms usually start soon after the traumatic event, but they may not manifest until months or years later. If provided proper medical care, about half, 40 percent to 60 percent, of people who develop PTSD get better at some time.

Although veterans who served in combat are most frequently afflicted by PTSD, events such as the Fort Hood shooting highlight the physical and psychological dangers facing military personnel in all roles. Consequently, it is extremely vital to extend to our civilian personnel the same benefits and support that we give to our active duty military. Civilians and military members on Fort Hood have equal responsibility to protect our nation and, as such, it is morally imperative that we honor these civilians by providing then with equal support in the aftermath of such traumatic incidents.

I have worked with my colleagues to secure $1 million in Federal funding in the Fiscal Year 2010 Defense Appropriations Bill for Riverside General Hospital in Houston, Texas. Riverside General Hospital was founded due to the heroic efforts of veterans in the First World War. Riverside General Hospital, formerly the Houston Negro Hospital was erected in 1926 in memory of Lieutenant John Halm Cullinan, 344th FA, and 90th Division AEP. Today, Riverside General Hospital is the only private African-American-owned hospital in the state of Texas that is contracted to provide inpatient psychiatric and inpatient detoxification services to TRICARE Beneficiaries. These funds will provide trained experienced physicians, nurses, therapists and other healthcare professionals the necessary services to treat post traumatic stress disorders for enlisted personnel, National Guards, Reservists and veterans discharged and/or on leave of duty. In addition, Riverside will provide psychiatric, medical emergency medical inpatient, and outpatient services.

It is time to end this distinct method of discrimination and we should not rest until this message is clear. Every American has the right to stand among their peers to undertake the noble task of defending this great nation. The U.S. military loses patriotic and talented men and women every day due to the discriminatory ''Don't Ask Don't Tell'' policy. Since 1993, DADT has forced over 13,000 qualified and patriotic men and women to leave the service. It has made many thousands more decide not to re-enlist. There is empirical data existing in the Armed Services of our allies as we stand with them in Iraq and Afghanistan. The militaries of the United Kingdom, Canada, Australia, Israel and the Netherlands are clear examples that, in spite of concerns before the change, it became a nonissue once gays and lesbians were allowed to serve. Now we must do right by all of our American warriors and move forward together on repealing DADT.

In 1965 as the commencement speaker at Howard University, President Johnson stated, ''We seek not just equality as a right and a theory but equality as a fact and equality as a result.'' Do we deny the freedom of an openly gay man or woman who serves in our military? The ''Don't Tell, Don't Ask,'' policy violates both openly gay men and women constitutional rights to privacy and their right to be treated equally with heterosexuals. I support the ''Don't Tell, Don't Ask Repeal,'' policy.

We must maintain our efforts to restore military readiness in order to meet current military challenges and prepare for the future, and civilians area a major part of the military readiness equation. Importantly, this defense bill:

Establishes a $500 million DOD Rapid Innovation Program to help DOD quickly transition innovative, life-saving equipment from small businesses and other innovative firms into the hands of our men and women in combat.

Authorizes $2.6 billion for Homeland Defense and counter proliferation activities, including $1 billion for the Defense Threat Reduction Agency and $1.6 billion for the Chemical Biological Defense Program.

Fully funds the $20 million budget request for two cyber security new start programs.

Expands ''1206 funding'' authority to build the capacity of foreign military forces to participate in military and stability operations to support efforts in Iraq and Afghanistan, including $75 million to build the capacity of counterterrorism forces of the Yemeni Ministry of the Interior.

Extends DOD's Pakistan Counterinsurgency Fund through FY11.

Provides $200 million to address urgent force protection needs in Iraq and Afghanistan.

Authorizes $9.7 billion for unclassified National Security Space programs, including $40 million for additional ORS satellites to meet commanders' urgent needs.

Provides a 1.9 percent pay raise to troops.

Expands TRICARE health coverage to include adult dependent children up to age 26.

Increases family separation allowance for troops who are deployed away from their families.

Increases hostile fire and imminent danger pay for the first time since 2004.

Expands college loan repayment benefits.

Includes the most comprehensive legislative package to ever address sexual assault in the military, including 28 provisions to implement into law many of the recommendations of the Defense Task Force on Sexual Assault.

Establishes a pilot program to offer an alternative career path to military officers, providing a broader range of experiences over a longer career.

Establishes a pilot program to help military spouses take advantage of their personal skill sets to identify and obtain desirable and portable careers.

Authorizes an additional special one-time payment to seriously wounded servicemembers to pay for the relocation costs of their caregivers;

Provides $1.2 billion with broad authorities for projects in Afghanistan to allow our commanders on the ground to immediately respond to military construction needs in theater.

In closing, I hope my colleagues will join me in support of H.R. 5136. I believe we are all on one accord that without reservation we support our men and women of the United States military. I support this bill and I ask my colleagues to support my proposed amendments and H.R. 5136.

HONORING THE NANTAHALA SCHOOL BASKETBALL TEAM OF MACON COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the basketball team of the Nantahala School in Macon County, North Carolina. The team had an exceptional season, finishing with a record of 23–7 and an appearance in the regional semi-final game.

Their season would be considered impressive for a team from any school, but this team comes from remarkable circumstances. There are only 36 students in the school, 18 of which are men. Over half the eligible students play on the basketball team. From one of the smallest schools in the State of North Carolina, this group of young men was able to hold their own against teams from much larger schools.

Making their success less probable, the school graduated some excellent basketball players last year, retiring three jerseys. The class of 2009 accounted for over 3,000 career points. Fortunately, this year's seniors—Jordan West, Wesley Holden, Josh Griffith, Jerrod Crosby, and Woody Passmore—were equally impressive in fulfilling their leadership roles.

The team's final game against Hendersonville High School in the regional semifinals was a testament to their perseverance. Trailing at one point by 16 points, it seemed the odds were against them. Still, the team played with everything they had. With 43 seconds remaining, Jordan West gave Nantahala the lead. Hendersonville managed to pull back ahead, but Nantahala fell only three points short of playing in the regional finals for a spot in the North Carolina State championship game.

Some of the team achieved special recognition for their outstanding seasons. Wesley Holden averaged 13 points per game and was selected to play in the Blue-White all-star game. Josh Griffith, averaging 18 points per game, was selected to play in the Blue-White all-star game and the regional all-tournament team. Coach Josh Taylor and Assistant Coach Tom Dillard have created a strong program, and I doubt this is the last we have heard from this small school in the mountains.

Madam Speaker, I ask my colleagues to join me in recognizing the impressive Nantahala School basketball team for their accomplishments and wishing them continued success in future years.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, on Thursday, May 19, 2010 and Monday, May 24, 2010 through Friday, May 28, 2010 I was unable to be in Washington, DC due to a family emergency and thus missed several rollcall votes. Had I been present, I would have voted "yea" on Nos. 276, 278, 279, 280, 281, 282, 283, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 308, 309, 310, 311, 312, 313, 314, 320, 326, 327, 328, 329, 330, 331, 333, 335 and "nay" on Nos. 277, 306, 307, 315, 316, 317, 318, 319, 321, 322, 323, 324, 325, 332, 334, 336.

RECOGNIZING THE "STAR OF LIFE" AWARD RECIPIENT FRANCISCO "CISCO" PRECIADO

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Mr. Francisco "Cisco" Preciado, to whom the "Star of Life" medal, a national award which recognizes the country's most outstanding Paramedics and Emergency Medical Technicians, was re-presented.

Previously a member of the U.S. Navy and U.S. Coastguard, Mr. Preciado started his career as a paramedic in 2005. His efforts established him as a dependable worker who was one of the best and brightest in his field. In 2009, his hard work under Southwest Ambulance was recognized in the form of the prestigious "Star of Life" medal. Preciado gave away his medal earlier this year, in a touching tribute to a friend and co-worker—EMT Mark Vernick—who was killed in a motorcycle collision. In what he thought was a private tribute, Preciado placed his medal in Vernick's casket.

I extended this honor again not only to commend his performance as a paramedic, but to pay tribute to the quality of his character. Mr. Preciado unselfishly placed his original medal inside the casket of his friend and co-worker, Mark Vernick. This action speaks to the strength of his integrity. It is for this reason that I offered Mr. Preciado a replacement "Star of Life" medal.

Madam Speaker, please join me in recognizing the presentation of the "Star of Life" medal to Mr. Francisco Preciado.

HONORING THE CONTRIBUTIONS OF INNOVATOR AND PHILANTHROPIST JOHN SOTO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. DELAURO. Madam Speaker, I rise today to honor a self-made man and former New England Businessman of the Year, and one who has given of himself time and again to improve our Connecticut community—John Soto.

After a boyhood in Puerto Rico and some apprenticeship in the business and mechanical arts as a machinist in Manhattan, John founded Space-Craft Manufacturing, Inc. in Milford, Connecticut in 1970. Starting with just four employees, Space-Craft has, thanks to John's eye for innovation and business savvy, grown to become an industry leader in aircraft engine and airframe components over the past four decades, even earning the National Supplier of the Year award from the U.S. Air Force in 2001.

These entrepreneurial and engineering accomplishments have been matched by John's passion for community service and a strong commitment to public investment. So that others may follow in his footsteps, John has founded several scholarships for Latino students and been a continual presence in Connecticut inner-city schools. He has also contributed generously to Youth at Risk, Junior Achievement, New Haven's Latino Youth Development Program, and other very worthwhile organizations aimed at helping Connecticut's underprivileged and least fortunate.

In both his company's success and his dedication to public service, John has been an embodiment of the American dream. From modest beginnings, he has contributed mightily to his community, his state, and to the United States military. I congratulate him and his wife Gladys on this long career of personal success and public service, and I know that they will continue to be a credit to our district for years to come.

HONORING CRAIG BIEGEL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize Craig Biegel, the Award of Merit Winner for the 4th Congressional District's high school art competition, "An Artistic Discovery." An Artistic Discovery recognizes and encourages the artistic talent in the nation, as well as in each congressional district. The Congressional Art Competition began in 1982 to provide an opportunity for Members of Congress to encourage and recognize the artistic talents of their

young constituents. Since then, over 650,000 high school students have been involved with the nationwide competition.

Craig Biegel, a resident of the 4th Congressional District, is currently a senior at Lynbrook High School in Lynbrook, New York. Mr. Biegel offered his piece, ''Angioplasty'', which was an acrylic on canvas painting depicting a close-up view of the inside of the heart with a catheter in the aorta, leading to a stent insertion in the right coronary artery. Craig's attention to detail in this piece is certainly a testament to his achievement.

The contest in the 4th Congressional District continues to flourish and I owe it to all of the talented students like Craig from our high schools that submitted their art to be displayed in this distinguished contest. It is essential for art programs and curricula to remain in our schools and communities. I believe that having a forum for our young people to express themselves in a creative way is extraordinarily important and I will continue to work in Congress to ensure that the arts are preserved.

The future of this country depends on the hopes and dreams of its children. Our community, and our nation, is enhanced by the contributions of students like Craig Biegel. Additionally, I would like to recognize the work of the teachers and administrators at Lynbrook High School who dedicate their lives to their students. The staff is the backbone of the students' success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration that I offer my thanks and recognition to Craig Biegel.

INVESTING INCOME AT HOME ACT OF 2010

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the ''Investing Income at Home Act of 2010.'' This legislation would increase investment in the U.S. economy by allowing ''closely held'' companies that earn money abroad to create American jobs by investing overseas profits here at home. This would be accomplished by updating an outdated relic of the Tax Code, the personal holding company, or ''PHC,'' tax structure.

Under current law, a personal holding company's undistributed income is taxed at 15 percent. This rate is scheduled to return to the highest individual tax rate of 39.6 percent in 2011 when the 2001 and 2003 tax cuts expire. Unfortunately the personal holding company tax has not evolved to keep up with modern business realities. Family-run companies can be subject to this tax—which they would not pay if they were publicly owned.

The Investing Income at Home Act will modify the definition of ''PHC income'' to exclude dividends received from foreign affiliates if those dividends are reinvested in the United States. Importantly, these dividends brought back into the United States could not be used by any company to pay executive salaries or benefits.

This bill will ensure closely held corporations impacted by the PHC tax regime would pay the same level of corporate tax as similarly situated publicly traded corporations. This would free them to invest dividends from foreign sources into the U.S. economy helping to create much-needed jobs here in America.

I urge my colleagues to join me in supporting this legislation.

RECOGNIZING FOUNTAIN HILLS HIGH SCHOOL'S UNOFFICIAL GUINNESS WORLD RECORD IN POTATO LAUNCHING

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize an outstanding group of chemistry students from Fountain Hills High School, who unofficially broke the Guinness World Record for most potatoes launched in three minutes.

The students in AP chemistry and honors-chemistry classes used savvy, creativity and teamwork to break an existing Guinness World Record. Although Guinness has yet to officially acknowledge the record, I am confident that the evidence is sufficient and that approval will be received shortly. One student, Fountain Hills junior Kyle Link, nearly doubled the previous record of potatoes launched in three minutes.

In all, seven different teams broke the record, demonstrating tactfulness in assembling their launchers. The students used applied lessons in engineering, technology, and chemical gas laws while constructing these devices.

I would also like to recognize Dr. Paul McElligott, head of the science department at Fountain Hills High School, for his leadership and instruction in the record-breaking feat. Along with breaking world records, Dr. McElligott is in contention to receive a prestigious Lemelson-MIT Grant worth $10,000 to fund his proposal regarding safety devices for handicapped patients. His dedication will inspire these students to aim to achieve greatness in their current and future endeavors. We need more fine educators like this man in our country.

I am honored to call Dr. McElligott and his students at Fountain Hills High my constituents. Madame Speaker, please join me in congratulating them on their World Record.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,052,204,878,286.76.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $ 2,413,779,131,992.90 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING CECIL GROVES FOR HIS SERVICE TO SOUTHWESTERN COMMUNITY COLLEGE AND WESTERN NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Dr. Cecil Groves for his 40 years o service in higher education and to congratulate him on his retirement after 13 years as president of Southwestern Community College in Sylva, North Carolina. Under his leadership, Southwestern experienced significant expansion, serving as a catalyst for further growth throughout the region.

Dr. Groves received his Ph.D. in Higher Education Administration from the University of Texas. His first job was as the president of Delgado College in New Orleans, Louisiana. Dr. Groves was able to lead Delgado College to national accreditation in the midst of the turmoil of desegregation. Seven years later, he became President of Austin Community College in Austin, Texas. In a city dominated by a major research university, Dr. Groves created a model of the community college as a stepping stone to enrollment at a four-year university. He grew Austin Community College into a 16,000 student campus, creating jobs and allowing students a pathway to achieve their dreams.

After working at Pikes Peak Community College in Colorado Springs, Colorado and serving as Provost of Texas State Technical Colleges System, Dr. Groves moved to the mountains of Western North Carolina to become the president of Southwestern Community College. He would transform this small school with a strong sense of community into one of the best community colleges in the nation.

During his tenure, Southwestern Community College opened a new campus in Macon County, North Carolina and graduated the largest class in its history. Dr. Groves instituted a new technology platform for delivering education to students, offering Internet learning without sacrificing a sense of community. He encouraged teachers who found their most effective teaching method to continue to succeed, and he pushed those who struggled to continue to work toward becoming better teachers. Most importantly, he was widely loved by the faculty, staff, and students.

Even those in Western North Carolina who are not directly a part of the Southwestern Community College family benefited from Dr. Groves' tenure. One of his biggest contributions to the region was the creation of the Balsam West FiberNET. After an attempt to convert the school's Interactive Television system to digital proved too costly, Dr. Groves began investigating a regional broadband system. Southwestern Community College helped bring together Drake Enterprises and the Eastern Band of the Cherokee to form Balsam West FiberNET. This private, for-profit partnership constructed a 300-mile broadband ring, benefiting both Southwestern Community College and the entire mountain community.

Outside of his duties as president, Dr. Groves has taken an active interest in community development—on a regional, state, and national level. He served as an appointed advisor to governors in two states and testified in

front of Congress. As a founding member of the National Coalition for Advanced Manufacturing, a part of the National Association of Manufacturers, and the National Coalition for Advanced Technology Centers, Dr. Groves has helped modernize U.S. manufacturing and education technology. He has also been active in successfully recruiting several companies to conduct business in the regions where he worked.

Dr. Groves is now retiring and moving closer to two of his children. Madam Speaker, I ask my colleagues to rise with me to thank Dr. Groves for his many years of invaluable service to both Southwestern Community College and the broader mountain community of Western North Carolina.

COMMENDING GARY DAIGNEAULT OF TWENTYNINE PALMS, CA ON HIS SELECTION TO THE BROADCASTER HALL OF FAME

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LEWIS of California. Madam Speaker, I rise today to join the community of Twentynine Palms and the Morongo Basin of California in congratulating long-time broadcaster Gary Daigneault in being named to the Associated Press Television-Radio Association Hall of Fame.

Gary Daigneault has been on the air for 31 years as a newscaster in the eastern desert area of California known as the Morongo Basin. When he went to work for stations KDHY/KQYN in 1979, the area was made up of small towns with a few thousand people scattered over vast desert vistas. I came to know both the desert communities—and Gary—as the member of Congress for the area. He was a bright and earnest young reporter serving a small but devoted radio audience.

Over the years, the small towns of Yucca Valley, Joshua Tree, Morongo Valley and Twentynine Palms have grown dramatically, with tens of thousands of people now tuning in to listen to Mr. Daigneault, who has been the community's voice for news with a morning news program for the entire 31 years.

Mr. Daigneault invested in the community and became an owner-broadcaster in 1989 when he and his wife Cindy started up their own station, KCDZ, making local news a priority.

Although the area is still considered a ''small market'' for news, it is one with a worldwide focus because it is home to the Marine Corps Air-Ground Combat Center, a premier training center that has hosted tens of thousands of Marines each year. Many of those Marines now living around the country would recognize the voice of Mr. Daigneault, who has done an exemplary job of covering the base and its units.

In perhaps his most dramatic accomplishment in covering the Marines, Mr. Daigneault in 1992 was the only ''embedded'' journalist covering the peace-keeping action in Somalia, which won him one of his many broadcasting awards.

He came home from that mission and was quickly put to the test again when a 7.3 earthquake struck the desert town of Landers, causing widespread damage and disruption to the area. He stayed on the air and was the only source of news for many of the desert residents cut off by the quake—an effort that won him yet another award for broadcasting excellence.

Gary has been recognized by the Associated Press for breaking more than 40 national and major regional news stories over the years. In 2000, KCDZ was declared ''station of the year.'' He was given the prestigious Mark Twain Award for news writing in small market radio and the Golden Mike award for best small market radio news broadcast.

Gary Daigneault is considered a community leader in Twentynine Palms. He is the president of the Theatre 29 community theater group, president of the Twentynine Palms Chamber of Commerce and the immediate past president of the local Rotary Club. He has also served twice as president of APTRA, and has taught broadcasting classes for the past 21 years.

Madam Speaker, Gary Daigneault has been the voice of news for an important part of my district for the past three decades, and he and his wife Cindy have been community leaders in the eastern desert area of California. His election to the radio-television news Hall of Fame is much deserved, and I ask you and my colleagues to join me in congratulating him and thanking him for his lifetime of service.

NANJING CITY, A MODEL FOR INTERNATIONAL COOPERATION, EXPANDING EDUCATIONAL, INNOVATIVE AND ENTREPRENEURIAL PARTNERSHIPS BETWEEN THE UNITED STATES AND CHINA IN A SPIRIT OF GLOBAL COOPERATION

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. TIERNEY. Madam Speaker, I rise today to speak about a model for international cooperation that is said to hold promise and future opportunities for the United States. The City of Nanjing is working to improve the quality of life of its residents with a global initiative that has potential to create a great opportunity for some in the United States.

For over a decade, the City of Nanjing, China, under the leadership of Secretary Zhu Shanlu, has reached beyond the borders of the People's Republic of China to create new strategies in education, innovation and entrepreneurship, increasing the level of understanding between our two nations and stimulating U.S.-China idea exchange. It is expected that this international cooperative initiative will inure to the benefit of the residents of Nanjing as well to the residents of the United States, including businesses, residents and educational institutions in the Commonwealth of Massachusetts.

To this end, Mr. Zhu in his role as Secretary for Education and Technology in Beijing traveled to many United States cities to discuss the growth of education collaboration. These meetings resulted in numerous programs that served global higher education, leading to a first-of-its-kind scholarship program offered through the New England Board of Higher Education providing annual scholarships for deserving students in the region. This work also forged new opportunities for United States colleges and universities with a strong focus on New England, specifically on Massachusetts, as representatives of several New England institutions were hosted by then Secretary Zhu at the Beijing Education Expo, a showcase of the promise of global education. Educational leaders exchanged ideas, and as a result, opportunities for educational exchanges were expanded creating new frontiers for American students to pursue studies in China and similar opportunities for Chinese students to benefit from programs offered in American colleges and universities from coast-to-coast.

Now under Mr. Zhu's leadership, the city of Nanjing has embarked on a new initiative in an effort to strengthen the bridge of partnership between the United States and China. Nanjing has created a number of avenues inviting United States companies and universities to expand opportunities into the Chinese market. In 2010, the City of Nanjing is scheduled to host conferences on Global Innovation in China, Global Entrepreneurship in China and Global University—R&D City. The conferences are expected to create special opportunities to develop concepts for development opportunities for green energy, life science and related industries. Small and mid size American companies may wish to explore offering technologies to improve the life of Chinese citizens and expand their business horizons.

One of the innovative American enterprises prepared to explore such potential opportunities calls Gloucester, Massachusetts and the 6th Massachusetts congressional district its home. Free Flow Power is looking to expand opportunities to develop and manage hydropower and hydrokinetic facilities to generate clean renewable energy from flowing water. They will join other companies from across the country in Nanjing.

I would like to acknowledge the efforts of the City of Nanjing and its leaders as well as those of the American participants in the program for having a vision that looks to the future by supporting a stronger educational exchange and the potential for green energy and technology partnerships in a spirit of global cooperation between the United States and China.

GRAND OPENING OF THE MADISON STREET VETERANS TRANSITIONAL HOUSING CENTER

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today to celebrate the recent grand opening of the Madison Street Veterans Transitional Housing Center, a shelter and service center for homeless veterans run by veterans.

The Madison Street Veterans Association is a group of formerly homeless veterans who banded together, first for their own safety, and over time became a grassroots non-profit model for veterans' homeless outreach nationwide. Their centers provide veterans with the

documents to apply for jobs, educational opportunities and government assistance. The MSVA mission is to encourage and prepare homeless veterans to become active and productive members of their community.

The veterans at the MSVA work tirelessly to get their fellow veterans back on their feet. The organization's early success stories include people like Bruce Roberts, an Army Airborne veteran who, after a family tragedy, struggled to stay employed and ended up homeless. After work with the association, Bruce now works for the organization as its public relations officer and is helping to end homelessness for others.

Madam Speaker, please join me once more in congratulating the Madison Street Veterans Association for the opening of its new transitional housing center.

HONORING HON. L. BRYCE CHASE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to the Honorable L. Bryce Chase. On June 2, 2010, after 29 years, Justice Chase retired as Judge of the North Kern Municipal Court in Delano, California.

Mr. Chase was born in Eugene, Oregon on March 30, 1945. He moved with his family to Shafter, California in 1949, and then to Delano, California in 1954. Upon graduating from Delano High School in 1962, Bryce attended Bakersfield College and Linfield College. He then attended University of Southern California, and graduated with a Bachelor of Arts Degree. Bryce served in the United States Army from 1967–1969, stationed at Fort Lewis, Washington and Fort Gordon, Georgia. In 1972, he began law school at Northwestern School of Law at Lewis and Clark College in Portland, Oregon. Bryce graduated with his Juris Doctorate degree in 1975 and was subsequently admitted to the California State Bar. He was a Legal Clerk and Associate Attorney with M. Dwain Smith from 1975 until 1977, when he began his sole private practice in Delano, California.

Mr. Chase became a judge of the Delano-McFarland Justice Court in 1981. The Delano-McFarland Justice Court became the North Kern Municipal Court in 1990, and Judge Chase continued to serve as a judicial officer. As a judge, Bryce was involved in several county-wide programs. He established the first self-funded court and community service program in Kern County, served three terms on the Kern County Trial Coordination Committee and one year on the Administrative Structure Committee for Kern County. In addition, Judge Chase was also Chairman of the Sub-Committee on Uniform Rules of Court for Kern County, served on the Trial Court Presiding Judges Advisory Committee and is an active member of California Judges Association.

Judge Chase has always played a large role in the community of Delano. He has been an active member of the Delano Kiwanis Club and Greater Delano Area Youth Foundation since 1982, where he served as President for both organizations. He is a member of the First Baptist Church and has been honored for his community service by Proteus Training, Mothers Against Drunk Driving, Past Lieutenant Governor Leo McCarthy and yours truly, when I was a member of the California State Senate.

Madam Speaker, it goes without saying that Judge Chase's dedication and accomplishments to the community of Delano have gained him respect and appreciation from all who have worked with him and know him. We owe L. Bryce Chase a magnificent collective thank you. I ask my colleagues to please join me in honoring Judge Bryce Chase for his productive years of public service to the community of Delano.

RECOGNIZING CESAR CHAVEZ PUBLIC CHARTER SCHOOL STUDENTS FOR THEIR PARTICIPATION IN THE WE THE PEOPLE: THE CENTER FOR CIVIC EDUCATION NATIONAL FINALS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. NORTON. Madam Speaker, in April 2010, more than 1,200 students from across the country took part in the We the People: The Citizen and the Constitution national finals in Washington, D.C. I am proud to announce that a class from Cesar Chavez Public Charter School—Capitol Hill Campus represented the District of Columbia at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their city-wide competition earning the chance to compete at the national level.

While in Washington, the students participated in a three-day academic competition that simulated a congressional hearing, in which students demonstrated their knowledge and skills as they evaluated and defended positions on historical and contemporary constitutional issues. Annual surveys consistently show that high school students who take part in the We the People academic competition outperform other students in the National Assessment of Educational Progress political test by at least 22 percent.

Madam Speaker, the names of these outstanding students from Cesar Chavez Public Charter School—Capitol Hill Campus are: Kim Diaz, Marco Gomez, Karen Mejia, Jason Allen, Jesse Balderas, Briana Bullock, Joel Carela, Jaleel Dyson, Kendra Goodwin, Ely Guerrero, Corey Johnson, Jose Maheda, Anthony McCannon, Christian Mondragon, Nakea Paige, Ryan Pope, Alexis Rhett, Leticia Rivera, Elizabeth Rogers, Paul Schmidt, Jaztina Somerville, and Jade Vaughn.

I also wish to commend the teacher of the class, Dionna Shinn, who was responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Julie Harris, Director of Public Policy at Cesar Chavez Public Charter School, for her tireless commitment to the students on the District's team and implementation of the rigorous curriculum at the Cesar Chavez Public Charter School.

I congratulate these young constitutional experts on their outstanding achievement at the We the People national finals.

HONORING THE 60TH ANNIVERSARY OF THE OPENING NIGHT OF UNTO THESE HILLS

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the past, present, and future members of the production of Unto These Hills. An outdoor dramatic rendering of the history of the Cherokee people, the play is nearing the 60th anniversary of its opening night.

The show has achieved remarkable success, selling over 6 million tickets since its opening on July 1, 1950. It is the second longest continuously running outdoor drama in the United States, behind only The Lost Colony, which is performed in Manteo, North Carolina. Over sixty years, countless skilled actors and actresses have taken part in the performances. Among them are some who have reached the heights of fame, including Morgan Freeman and Michael Rosenbaum.

For 60 years, Unto These Hills has provided entertainment and education for visitors to historic and scenic Cherokee. The format is especially effective for the many school groups that visit Cherokee; the dramatic rendering passes important lessons of history on to future generations.

The show is an integral part of preserving the heritage of the Cherokee people, a group integral to our mountain community. The ongoing legacy of the Eastern Band of the Cherokee is an important part of our broader mountain heritage. With a new and more accurate script, the show portrays the history of the Cherokee from the height of their power to the depths of their despair during the Trail of Tears. An accurate dramatic retelling is an important way to remember the tragedy of the Trail of Tears and help us learn from that event.

With the new script and a recently renovated theater, Unto These Hills is poised to continue to build on its impressive record of success. Madam Speaker, I ask my colleagues today to join me in recognizing Unto These Hills for its remarkable success and its important role in preserving and reliving such a profound moment in American history.

RECOGNIZING ROBIN ARREDONDO-SAVAGE'S INDUCTION AS A MEMBER OF THE TEMPE CITY COUNCIL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Robin Arredondo-Savage on her recent induction as a member of the Tempe City Council.

Robin is a lifelong resident of my hometown of Tempe who has always been actively involved in our community. Previously the Chairman of the Tempe Chamber of Commerce and a small business manager, she has shown a commitment to the development of jobs and the growth of the economy in Tempe. Through this and her position as the President

of the Tempe Union High School District Governing Board, Robin has proven herself to be a strong and dedicated leader and public servant for her community and its youth.

Robin is also a U.S. Army veteran who served our nation with distinction. She has shown that same commitment and dedication in the many community boards, commissions and youth sports activities where she has volunteered her time. I am honored to call Robin a friend and I look forward to seeing what her future in public service brings to our community.

Madam Speaker, please join me in recognizing Robin Arredondo-Savage's induction as a member of the Tempe City Council.

A TRIBUTE TO DR. J. CAMERON THORNHILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. J. Cameron Thornhill, a doctor whose work has been invaluable to the Brooklyn community.

Dr. J. Cameron Thornhill was born August 28, 1909, in Christ Church, Barbados, West Indies, and will celebrate his 101st birthday on August 28, 2010.

Dr. Thornhill graduated from Boys High Evening School in Brooklyn in 1934. He attended Lincoln University in Pennsylvania from 1936–1940, where he earned his Bachelor of Arts. He attended Meharry Medical College in Nashville, Tennessee, from 1940 to 1944, where he was awarded his Medical Doctor degree. Between 1944 and 1946, Dr. Thornhill did an internship and residency at Kansas City, Missouri, General Hospital Number Two. He started a medical practice in 1946 in Brooklyn, NY.

From 1950 to 1952, he served as a medical officer, Captain, in the U.S. Army and was stationed in Germany. Between 1953 and 1957, Dr. Thornhill performed various surgical residencies at Bethel Hospital, now known as Brookdale Hospital, in Brooklyn, New York; Veterans Hospital of East Orange, New Jersey; and Harlem Hospital, New York City, where he remained on staff for over 15 years. From 1958 to 1996, he opened and operated a surgical family practice in Brooklyn, while working at St. John's Hospital, which is now Interfaith Hospital, and Lefferts General Hospital of Brooklyn, New York. He served the Brooklyn community for over 40 years before fully retiring at the age of 84 from the New York State Workers Compensation Board as a Medical Examiner.

Dr. Thornhill is an emeritus member of the Kings County Medical Society, National Medical Association, and the American Medical Association. He has been honored by the Provident Clinical Society of Brooklyn, New York and most recently received special recognition at the 2009 National Medical Association Convention.

Dr. Thornhill and his wife, Mercedes Murray, were married on April 3, 1947. They have four children: J. Cameron Thornhill Jr., Dr. Monica Thornhill-Joynes, MD, Dr. D. Blair Thornhill, MD, and Ms. Donna Thornhill. His eldest child Cameron, Jr., predeceased him in 2008. He is the proud grandfather of five grandchildren and the proud great grandfather of two great grandchildren. His brother Cleveland Thornhill is 97 years old, and his sister Gladys Minnette Powell passed away on August 21, 2009, at the age of 98.

Dr. Thornhill loves the outdoors and has vacationed at Chenango Valley State Park in upstate New York every year with family and friends since 1955. He is an avid handball and paddle ball player and played the game until the age of 98. He enjoys golf and bridge. Additionally, Dr. Thornhill is an avid traveler and has visited several nations in Africa and walked the Great Wall of China in his 90's. He has visited many Caribbean countries on numerous trips, including Cuba and Panama.

He has been attending Siloam Presbyterian Church of Brooklyn, New York for more than 50 years. Dr. Thornhill is a member of Phi Beta Sigma Fraternity. He is a tenacious motivator who continues to avidly inspire the pursuit of education to his family members and the community at large.

Dr. Thornhill is a pillar of his community and has always been a loving and giving person to his family, friends and community.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Dr. J. Cameron Thornhill.

MIKE DIERINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Mike Dieringer. Mike is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and earning the most prestigious award of Eagle Scout.

Mike has been very active with his troop, participating in many scout activities. Over the many years Mike has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Mike and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Mike Dieringer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING PENNSWOOD VILLAGE ON ITS 30TH ANNIVERSARY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to recognize and congratulate Pennswood Village and its residents on their 30th Anniversary.

What began as a desire among friends to turn unused farm land into something useful has since blossomed into a community that his contributed significantly to the lives of our senior citizens.

Since it's opening on June 10, 1980, Pennswood Village has excelled at delivering a senior program that is truly representative of the needs of our seniors. With 435 residents and 420 employees, Pennswood Village stands as one of the outstanding continuing care retirement communities in Bucks County.

Madam Speaker, I am proud to recognize and congratulate Pennswood Village on its 30th Anniversary and I am sure that as Pennswood Village moves forward, it will continue to exemplify the meaning of senior care.

TRIBUTE TO THE ICS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. DAVIS of California. Madam Speaker, I am pleased to recognize the International Court System (ICS) as it celebrates the 45th anniversary of its founding. A non-profit charity and international social service organization, ICS is one of the oldest LGBT charities in the world, with chapters in over 68 cities within the United States, Canada, and Mexico.

ICS fundraising efforts have benefited countless causes both within and outside of the LGBT community including numerous children's charities, AIDS organizations, and cancer patient advocacy groups. In fact, several AIDS social service organizations were established in the 1980's by organization members. In addition, there are over 30 student scholarship programs within the International Court System of the United States and Mexico. The ICS welcomes all and is proud of its diversity.

The first ICS chapter was established in 1965 in San Francisco, California by World War II veteran and Hispanic gay activist, Jose Julio Sarria. In 1961, he made history as the first openly gay citizen to run for public office in North America when he ran for the San Francisco Board of Supervisors. For his activism, the Board named a public street in his honor.

In 2007, Sarria stepped down as titular leader of the International Court System and was succeeded by my constituent, San Diego City Commissioner Nicole Murray Ramirez who himself has been a Latino and gay activist for over 40 years. Commissioner Ramirez currently serves on the board of the National Gay Lesbian Task Force and is a past national board member of the Human Rights Campaign. Ramirez is a recipient of the Cesar Chavez Social Justice Award and is currently the National Co-Chair of the Harvey Milk Foundation's Citizen Advisory Board.

I commend Jose Julio Sarria and Nicole Murray Ramirez for their dedication and community service that has benefitted so many. I congratulate the ICS on the occasion of its 45th anniversary, and I am proud to honor its legacy of activism and philanthropy.

H.R. 5145, ASSURING QUALITY CARE FOR VETERANS ACT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. TIAHRT. Madam Speaker, I join my colleagues in strong support of H.R. 5145, Assuring Quality Care for Veterans Act. This legislation authorizes the Secretary of Veterans Affairs (VA) to reimburse VA health professionals for continuing professional education expenses.

Our Nation's veterans deserve high-quality medical care. This means having top-notch facilities and equipment, and highly-trained medical professionals. Many professions require continuing education, and it is absolutely essential in the medical field. With constantly changing techniques, procedures and treatments, continuing education is indispensable for medical providers. This legislation rightfully will ensure that our VA medical professionals have access to continuing training and therefore ensure that our veterans receive the best care possible.

I urge all my colleagues to join with me in support of H.R. 5145 to provide high-quality medical care for our Nation's veterans.

AARON A. PINE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron A. Pine. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Aaron and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Aaron A. Pine for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF CHAD BOUTON, BATTELLE INVENTOR OF THE YEAR

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. KILROY. Madam Speaker, I rise today to recognize the accomplishments of Chad Bouton who on April 30, 2010, was named the Inventor of the Year for Battelle, the world's largest independent research and development organization. Battelle, with its team of researchers and inventors like Chad Bouton, helps make central Ohio a leader in cutting-edge research.

Chad came to Battelle in 1997 and since then has shown his true worth to this important Columbus, Ohio nonprofit charitable trust by excelling in a variety of fields. Chad Bouton has been the primary innovator, inventor and/or principal investigator for dozens of medical device projects, from enabling paraplegics to control wheelchairs with their thoughts to providing surgeons with tools that aid in minimally invasive surgical procedures.

Chad Bouton developed processing algorithms for a medical device that allows people to control computers entirely by their thoughts. He also was central to the development of a system used in minimally invasive surgical procedures that evaluates the potential spread of cancer to lymph node tissues and organs. Additionally, his research contributed to a detection system to ensure that contrast media injections into a patient do not do unwanted damage.

Chad is known for his expertise in control systems, automated and robotics systems, sensor development, and signal processing of electrophysiological parameters including neurological types. He also has extensive experience in electrical and electromechanical device design methodologies and techniques and holds 15 patents with six others pending.

Tangible results of Chad Bouton's success come in various forms, first and foremost that his inventions have affected the quality of life of patients around the world. He also has been the recipient of two R&D Magazine Top 100 awards and a Battelle Outstanding Technical Achievement Awards and has published nine works in scholarly journals. Chad's prowess has resulted in more than half a billion dollars worth of contract research for Battelle.

I would like to extend my heartfelt congratulations and well-wishes to Chad, and wish him great successes in innovations of the future. With people like Chad working to use science to help mankind, Columbus, Ohio and America will continue to lead the world in compassionate research.

INTRODUCING GREEN RAILCAR ENHANCEMENT ACT OF 2010

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. BLUMENAUER. Madam Speaker, today I rise to introduce the Green Railcar Enhancement Act of 2010 with 49 of my colleagues.

This legislation will help save a critical domestic industry, create 32,000 to 50,000 family-wage jobs, enhance the fuel economy of freight rail, and reduce the carbon emissions of the freight and logistics industry.

As a result of the financial crisis and subsequent recession, the freight railcar industry neared collapse. New car deliveries declined from 75,000 in 2006 to fewer than 10,000 in 2010. Only a handful of suppliers remain operating today and there is great concern that several of them may not survive this downturn. Without any action to pull forward some future market demand, the potential loss of the American rail supply base is at great risk.

The Green Railcar Enhancement Act provides a 25 percent tax credit for replacing or rebuilding old, inefficient railcars. The tax credit is limited to cars built in 2010 or 2011 and requires a minimum 8 percent increase in capacity or fuel efficiency. In effect, the legislation shifts market demand from 2012–14 to this year and the next, which will help the rail supply industry survive these two treacherous years.

This bill will continue to improve the great efficiency of rail transportation, which currently gets 480 ton-miles to the gallon. In fact, if 10 percent of the long-distance freight currently moved by truck switched to rail, then the national fuel savings would exceed one billion gallons each year. Requiring increasingly efficient rail cars will improve these figures.

Upgrading our fleet of railcars will also make the rail industry more competitive, reduce costs for consumers, and will help relieve our congested highways. In fact, one freight train can carry a load equivalent to that hauled by 280 trucks. Shifting the movement of freight to rail clears congestion from our roadways, eases wear and tear on our commercial corridors, and clears our air. In addition to these environmental and system capacity benefits, rail transport continues to be a leader in worker safety, with one of the lowest worker injury rates in the transportation sector.

Finally, by helping to pull market demand forward, our Nation will maintain the strong railroad supply industry and manufacturing base necessary to the Nation's defense.

I look forward to working with my colleagues to pass this important legislation.

IN HONOR OF CATHOLIC CHARITIES, EMERGENCY AND COMMUNITY SERVICES

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Catholic Charities, Emergency and Community Services (ECS), a non-profit organization that has been feeding hungry Burlington County residents for the past 29 years.

The ECS food pantry program is available to any county resident in need of food and no one is turned away because of their income or life circumstances. The food pantry serves consumers throughout Burlington County and distributes food to over 9,800 households, or 32,700 individuals annually.

Madam Speaker, I hope you will join me in honoring Emergency and Community Services on their nearly three decades of hard work and extraordinary commitment in ensuring that those individuals and families in Burlington County have the food they need to carry on with their daily lives.

CODY BARTHOLOME

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Bartholome. Cody is

a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 460, and earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many scout activities. Over the many years Cody has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Cody and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Cody Bartholome for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF RETINELLA ''NELLA'' OCTAVIA ELIZABETH EDGAR CROOKS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the memory of Retinella ''Nella'' Octavia Elizabeth Edgar Crooks, a lady I was proud to call my friend and constituent. An accomplished public servant and educator, Mrs. Crooks passed away on May 30, 2010, at the age of 108.

Mrs. Crooks lived a very long and full life. She was born in Watt Town, Jamaica, on October 1, 1901. She was educated in Jamaica and then immigrated to the United States in 1924 where she met her husband, Dr. Kenneth B.M. Crooks. The happy couple was blessed with four children, twelve grandchildren, and nine great-grandchildren.

After ten years at the Hampton Institute, which is now Hampton University, Dr. and Mrs. Crooks moved from the United States to Jamaica where they worked at Happy Grove, a Quaker secondary school. Mrs. Crooks served there as a missionary educator, a member of the Jamaica Federation of Women, and as a fundraiser for the Religious Society of Friends.

In 1957, Dr. and Mrs. Crooks returned to the United States and became very involved in Georgia's Second Congressional District. Mrs. Crooks served as a resident manager at what is now Fort Valley State University. While at Fort Valley State University, Mrs. Crooks became known for her unparalleled hospitality hosting teas. Of the many national and international dignitaries she entertained, she was very proud to include Dr. Martin Luther King, Jr. among her guests.

Following a short stay at Fort Valley, Dr. and Mrs. Crooks moved to Grambling College in Louisiana. There she completed her Bachelor of Arts Degree while serving as a resident manager for the college. However, in 1959 her husband, Dr. Crooks, sadly passed away.

Mrs. Crooks then returned to Fort Valley and earned her Master's Degree in counseling at the young age of 64. She was a member of the college faculty and published several books, including two books of poetry, her travel diary, her husband's biography, and her autobiography.

Throughout her long and blessed life, she remained a very active member of the Episcopal Church, a YWCA organizer, and her beloved sorority, Delta Sigma Theta. She also worked tirelessly for her community, founding a children's reading club and volunteering for seniors' organizations.

Madam Speaker, the State of Georgia, and especially the Second Congressional District of Georgia, have been truly blessed to have benefited from the tremendous contributions of Nella Edgar Crooks. She will be remembered for her compassion, her intense desire to help others, her unwavering love for her family, and her dedication to education, which lives on through the Nella Crooks Scholarship Fund at Fort Valley State University. It is a fitting tribute to her life and academic legacy, which was as long in accomplishments as it was in years. May she continue to serve as an inspiration to others.

HONORING THE LIFE OF HAYWOOD HARRIS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. DUNCAN. Madam Speaker, the University of Tennessee sports family and the city of Knoxville, Tennessee have lost a legend and dear friend.

Haywood Harris recently passed away at the age of 80. I have always said that the colors orange and white are almost as patriotic in my District as red, white, and blue. Anyone who bleeds big orange knows the name and work of Haywood Harris.

Haywood served as Sports Information Director, Assistant Athletic Director, and Associate Athletic Director for the University of Tennessee from 1961–2000. Following retirement, he took on the role as the athletic department's historian.

I have known Haywood since I sold programs, popcorn and Cokes at UT athletic events as a small boy. He is a very close and longtime personal friend.

Haywood's life and legacy is shaped not just by his knowledge and love of UT athletics and extraordinary professional success but also by the way he treated others every step of the way.

Upon word of his death, tributes from every corner of the sports world poured in. The Knoxville News Sentinel published many of these reflections, and I was taken aback by the tales of his humility, generosity and kindness. He held the esteem of everyone who ever knew him.

''The word legend gets thrown around way too much, but Haywood is a legend,'' said Tony Barnhart of the Atlanta Journal-Constitution. ''He is one those special people who made the SEC what it is today.''

''I am convinced Haywood was one of the best sports information directors in America—ever,'' said Marvin West, former Knoxville News Sentinel sports editor. ''He was gracious, patient and efficient,'' and ''as good as he was as a professional, he was a better man.''

John Pruett of The Huntsville Times wrote about an occasion where, as a young reporter who had lost his press pass on a UT opening day, Haywood came down from the press box to let him into the stadium. ''Not a blockbuster anecdote, maybe. But I never forgot Haywood's courtesy and professionalism that day to an out-of-state sportswriter who was little more than a casual acquaintance at that time,'' he concluded.

Brent Hubbs of volquest.com was a UT student when Haywood went out of his way to help him with a project for a television class. ''Haywood's nature was to treat everyone like they were the most important person in the world,'' he said. ''And he did it for a 19-year-old student for a project that was never going to air anywhere but in the classroom for teachers to grade.''

''He always had a keen interest in what you were doing and what might have been going on in your life. Kind, thoughtful and sharp as a tack when it came to UT sports history,'' writes Rick Russo of WVLT–TV in Knoxville.

Even simple encounters with Haywood Harris turned into lasting memories for those who had the pleasure of meeting him. Mark Bradley of the Atlanta Journal Constitution recalls, ''The highlight of my life—then, and maybe still—was being a guest on Haywood's pregame radio show back in 1981.''

Chris Dortch of the Blue Ribbon Yearbook writes, ''I can say with absolute certainty that Haywood Harris is the kindest, most gracious sports information director I've met, worked with or heard tell of.''

WATE–TV's Jim Wogan said, ''My first year in Knoxville wasn't without a few bumps, and Haywood was always polite, patient and a go-to source for background on Tennessee sports.''

''Haywood Harris is a person you never forget once you meet him. He was salt of the earth and loved Tennessee down to the bone. Institutions like Haywood are far too few today,'' said Joe Biddle of The Tennessean.

Chris Low of ESPN.com, a UT alumnus himself, writes, ''. . . to Haywood, it was never a job. The University of Tennessee was his life, which is why he was so good at what he did.''

And The Knoxville News Sentinel's Mike Strange puts it simply, ''Not just a nice guy. The nicest guy.''

Haywood will not only be missed by his many friends, family, and colleagues but also by his many fans. He co-hosted a radio show, ''The Locker Room,'' with Gus Manning for decades. Gus told The Knoxville News Sentinel, ''I have lost an incredible friend.''

Haywood holds many awards for his work, too many to fully recount here. He was an Inductee in the College Sports Information Directors Hall of Fame, the Knoxville Sports Hall of Fame, Tennessee Sports Hall of Fame, and he received the very prestigious Arch Award in 1991 and UT Chancellor's Citation in 1992.

As much as Haywood loved sports, he had other interests as well. One was his great attention to politics and national issues of importance. He was a patriotic American with a great love for his country and native east Tennessee.

Even many of Haywood's Democratic friends commented after his death that they respected his deep love and strong loyalty to the Republican Party.

Haywood's grandson, Matthew Lehigh, is a former member of my staff. I find that Matt holds many of his grandfather's qualities, and I can think of no better legacy for Haywood

than his values and character living on through his three children, four grandchildren, and two great-grandchildren. I extend my deepest sympathies to them and his wife Carolyn Jo.

Madam Speaker, I call the life of Haywood Harris and the remarkable impact he made on my district to the attention of my colleagues and other readers of the RECORD. Haywood's close friend and longtime Voice of the Vols announcer John Ward sums up his life best: "Haywood didn't ask for credit; didn't want it. He simply did what a really smart person does—help other people."

DALTON EVAN GREEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Dalton Evan Green. Dalton is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and earning the most prestigious award of Eagle Scout.

Dalton has been very active with his troop, participating in many scout activities. Over the many years Dalton has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Dalton and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Dalton Evan Green for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RELAY FOR LIFE EVENT

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mrs. BLACKBURN. Madam Speaker, affecting countless across the world, cancer strikes at the core of our lives, our health, our families, and our communities. Sometimes silent, sometimes ravaging, and often all-encompassing, cancer can take what we hold most dear: life. Events like Relay for Life allows communities to come together, tennis shoes laced, and fight against such an enemy.

The multi-purposed Relay for Life generates awareness, promotes outreach, supports recovery, and builds survivorship. In it's 26th year, Relay for Life is held across the country, in more than 600 communities internationally, and spans 21 countries.

I congratulate the participants of Williamson County's Relay for Life event. By honoring those who lost their battles with this horrific disease and celebrating those who have yet to cease in the struggle, your hopeful passion encourages us all. I ask my colleagues to join me in thanking the event's organizers, team captains, walkers, and all who still seek a cure.

H.R. 1017, CHIROPRACTIC CARE AVAILABLE TO ALL VETERANS ACT

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. TIAHRT. Madam Speaker, I join my colleagues in strong support of H.R. 1017, the Chiropractic Care Available to All Veterans Act. This legislation ensures that chiropractic care and services will be offered to all veterans through Department of Veteran Affairs (VA) medical centers and clinics by the end of 2012.

The benefits of chiropractic care are widely-known, and make a tremendous difference in the quality of life for so many Americans. As a regular chiropractic patient, I can attest to the benefits of this valuable service.

Veterans deserve a wide-range of services to meet their individual needs. As chiropractic care has grown in popularity, it is only logical to offer this service to our veterans. I am pleased, therefore, that this legislation will ensure access to chiropractic care for Kansas veterans.

I urge all my colleagues to join with me in support of H.R. 1017.

CONGRATULATING NESHAMINY MANOR

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to congratulate Neshaminy Manor Long Term Care Facility for achieving My InnerView's National Excellence in Action Award.

This award, which recognizes nursing homes that have received the highest satisfaction ratings from residents, families and employees, was bestowed upon Neshaminy Manor for its excellence in providing outstanding continuing care and setting a positive example for other long term care facilities to follow.

Established on April 30, 2000, Neshaminy Manor has offered the community an invaluable service by contributing significantly to the lives of our most vulnerable citizens. This award illustrates the leadership and dedication exhibited by the facility's staff and underscores the remarkable impact they have had on the lives of Neshaminy Manor's residents and their families.

Neshaminy Manor has demonstrated its commitment to providing exceptional care and service to ensure that residents enjoy the quality of life they deserve as well as providing employees with a great place to work.

Madam Speaker, I am proud to recognize and congratulate Neshaminy Manor for achieving this award, and I would like to thank the staff for their tremendous work and contribution to our community.

DONOVAN L. EDMUNDS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Donovan L. Edmunds. Donovan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and earning the most prestigious award of Eagle Scout.

Donovan has been very active with his troop, participating in many scout activities. Over the many years Donovan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Donovan and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Donovan L. Edmunds for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ST. MARY'S COLLEGE OF MARYLAND SAILING TEAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HOYER. Madam Speaker, I rise today to recognize the St. Mary's College of Maryland Varsity Sailing Team on winning the Inter-Collegiate Sailing Association's Team Race National Championship. This year's event was held May 29–31 on Lake Mendota in Madison, WI.

Unlike traditional fleet sailing, the team race event pits three boats against three boats. This event is often described as "chess on water" as sailors use unconventional tactics like slowing down and trapping their opponents to help teammates who are trailing to catch up. To win a race, the team of three must have a winning combination of finishes which total 10 points or fewer.

In the first round of competition, in which each team competes in six races, the Seahawks went undefeated in Group 1. In the second round among the top eight teams, the Seahawks had the best record with 11 wins and three losses. At the end of final round of the four winningest teams, the Seahawks went one and two, had a final record of 12 wins and 5 losses, and won the event.

I want to extend my congratulations to the following members of the Varsity Sailing Team who competed in this event: Ted Hale, Francis Kupersmith, Michael Menninger, Kelly Wilbur, Jesse Kirkland, Madeline Jackson, and Mike Kuschner. I want to commend Head Coach Adam Werblow, who has been with this program for 22 years, and Bill Ward, Director of Sailing, for their leadership of this team.

I urge my colleagues to join me in congratulating the entire St. Mary's College sailing team for their diligent training, teamwork and dedication to the sport, and for continuing the legacy of excellence in racing at the college.

DINNER HONORING THE 40TH ANNIVERSARY OF THE LEAGUE OF CONSERVATION VOTERS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor and acknowledge the celebration that will take place on June 9, 2010 in honor of the 40th anniversary of the League of Conservation Voters, LCV. Since its inception in 1969, LCV has transformed environmental policy into national priorities. I believe that protecting our environment is vital to the health of all Americans and LCV has continued to make that commitment over the past 40 years. With an ultimate goal of ensuring the survival and sustainability of the planet, LCV continues to inform the public about the most important environmental issues facing our nation.

Through organizing at the grassroots level, building coalitions and training the next generation of environmental leaders, LCV is fighting for the future of our environment. Madam Speaker, the League of Conservation Voters has been an invaluable resource for voters across the nation and advocate of the preservation of our natural resources and environmental policies. I would like to congratulate the League of Conservation Voters and wish them much continued success. The dinner honoring the LCV on this landmark anniversary is truly a celebration of a momentous occasion.

JONATHAN D. SCHANUEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jonathan D. Schanuel. Jonathan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many scout activities. Over the many years Jonathan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Jonathan and I am sure that he will continue to hold0 such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Jonathan D. Schanuel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO THE 2010 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2010 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition, NECO, the Ellis Island Medal of Honor pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. Since NECO's founding in 1986, more then 2,000 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promotes unity and a sense of common purpose in our Nation.

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2010 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

Ichak K. Adizes, PhD; Adrienne G. Alexanian; Richard F. Ambinder, MD; Cyrus Amir-Mokri; Anousheh Ansari; Rao S. Anumolu; Robert S. Atallah; Mohamed A. Atassi, MD, FACC; Kevork D. Atinizian; Nancy H. Bailey; Hon. Rosemary Barkett; Samira Kanaan Beckwith; Sarkis Bedevian; Jerold E. Beeve, MD; Dorothy Beeve, RN; Suraj P. Bhatia; Carole Black; George F. Brown; Richard R. Burey, Jr.; Michael Capasso; Dominic Chianese; Mr. Hank Hyunho Choi; Yen S. Chou; Lin-Chi Chu; Carl J. Clause; Eugene P. Conese, Sr.; John F. Conley; Thomas J. Cook; Edward Cruz; Paul R. Davies; Chief Raymond Diaz; Dr. Edward B. Diethrich; Andre C. Dimitriadis, PhD; Borko B. Djordjevic, MD; Thomas J. Donohue; David Du; David B. Falk; Lina Fang; Eric Friedberg; Col. Arnald D. Gabriel (Ret.); Rod G. Gilbert; Col. David G. Goulet; E. Bulkeley Griswold; Col. Gina M. Grosso; S. K. Gupta; Wolf Hengst; Gregory M. Hodge, PhD; Maj. Gen. Karl R. Horst; Hon. Jerry M. Hultin; Chief James Jephthah; Ted Johnson; James Keach; Alan Krutchkoff; Tak W. Kwan, MD; William K. Lee, MD; Robert J. Loggia; Wing K. Ma; Vahid Majidi; Fouad Malouf; James Malpeso, MD; MSgt. Chester L. Marcus, Jr.; Chief Denis McGowan; Shekhar Mitra, PhD; Moshen Moazami; Curtis E. Moll; Yasmin Motamedi; Jeremiah A. Mullins; Agneta E. Nilsson; RADM Joseph L. Nimmich; Sr. Irene M. O'Neill; Bedros S. Oruncakciel; Hemant Patel, MD; Francis J. Pearn; Richard R. Pergolis; Timothy A. Phillips; Michael J. Piazza; Hon. Rose Pierre-Louis; Kappana Ramanandan; Maj. Gen. Michael S. Repass; Hon. Edward Rollins; Stanley M. Rumbough, Jr.; William J. Ryan; Kenan E. Sahin, PhD; Joseph M. Saponaro; John F. Scarpa; Jane Seymour; Faryar Shirzad; John Shu, Esq.; Dr. Ruth J. Simmons; Prasad Srinivasan, MD; Bert R. Sugar; Hon. Eugene R. Sullivan (Ret.); Jordan P. Thomas; Annie S. Totah; Suzanne von Liebig, PhD; William D. Walsh; RADM Philip A. Whitacre (Ret.); Morrill Worcester; Mohammad Yahyavi; Vartkes Yeghiayan, Esq.; Matt H. Yildizlar; Chang Bin Yim.

HONORING YOSEMITE CONSERVANCY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate the Yosemite Conservancy upon its conception. The Yosemite Association and the Yosemite Fund have come together to launch this new organization to protect Yosemite National Park and inspire enduring connections for current and future generations.

In January 2010 the Yosemite Association and the Yosemite Fund, two non-profits with over one hundred years of combined experience in supporting the park, merged. Since 1923, the Yosemite Association has provided opportunities for people to learn about, enjoy and experience Yosemite National Park. The focus has primarily been on providing publications, outdoor programs, history museums, volunteering and a wealth of visitor services. The Yosemite Fund was established in 1988 to focus on projects that enhance the visitor experience, including trails, restoration of vital habitats, preservation of art and artifacts. The Yosemite Fund has supported over three hundred projects funded through fifty-five million dollars in grants. The Yosemite Fund has more than forty projects planned for 2010. The organization has four hundred volunteers annually to assist park visitors, restore natural areas and help with operations, events and fundraising activities. With the merging of these two organizations, the Yosemite Conservancy was created.

The Yosemite Conservancy is the only philanthropic organization dedicated exclusively to the protection and preservation of Yosemite National Park and enhancement of the visitor experience. With the experience and knowledge of the Yosemite Fund and the Yosemite

Association, the Yosemite Conservancy will provide the best of both organizations. It will aim to create new benchmarks in innovation and quality through its programs and projects. The 2010 signature project is a one million dollar effort to support Youth in Yosemite an experimental learning program that will also improve campgrounds, repair trails, preserve images from Yosemite's archives and expand educational programs and exhibits at Happy Isle Nature Center. Different programs and projects will be put in place in 2010 as well, such as Outdoor Adventures programs to teach people about the park, Yosemite Art and Education programs, meadow restoration, bighorn sheep monitoring and pacific fisher research and bear canister rental and wilderness permits.

Under the leadership of Mike Tollefson, former superintendent of Yosemite National Park, the Board of Trustees and the permanent staff, the Yosemite Conservancy will work toward their mission to provide for Yosemite's future by inspiring people to support projects and programs that preserve and protect Yosemite National Park's resources and enrich the visitor experience.

Madam Speaker, I rise today to commend the Yosemite Conservancy for its commitment to better serve and protect Yosemite National Park. I invite my colleagues to join me in wishing the organization many years of continued success.

HONORING HARVEY ZEIGLER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize a remarkable American on the occasion of his 90th birthday.

Mr. Harvey Zeigler, the sixth of thirteen children, grew up amid the de facto segregation of the 1920s in Damascus, Maryland, where his grandfather settled in 1863 after escaping slavery via the Underground Railroad. Three years after graduating from an all African-American high school, on December 8, 1941 Mr. Zeigler was drafted into the United States Army.

A member of the 329th segregated unit of the U.S. Army, Mr. Zeigler courageously fought for his country, only to return home to face oppressive discrimination. An early advocate of civil rights, Mr. Zeigler battled the discriminatory practices of local banks after he was denied funds for a start-up business venture because of his race. Even after securing a loan from a local bank, Mr. Zeigler continued to fight for equal treatment until all bank services were opened to all African-Americans in his community.

In 1959, Mr. Zeigler was hired as a custodian for the new Atomic Energy Commission in Germantown, Maryland. After he and other minority employees were passed over for numerous promotions, Mr. Zeigler, with the assistance of the NAACP, sued the AEC. Despite overwhelming odds, Mr. Zeigler and the NAACP won the case and forced the AEC to offer African-Americans opportunities for advancement to the higher-paying skilled-labor jobs.

Mr. Zeigler continued to play a critical role in his community in numerous ways. He organized Montgomery County community members' involvement in the historic March on Washington. He led protests to integrate public facilities, including movie theaters, amusement parks, and country clubs. He was instrumental in enabling African-American teachers and counselors to obtain positions in the Montgomery County Public Schools and for African-Americans to become firefighters in Damascus.

Mr. Zeigler retired from federal service in 1977. In retirement, Mr. Zeigler worked tirelessly with the NAACP, leading youth services, organizing church activities, and integrating many of the United Methodist Churches in Montgomery County.

Mr. Zeigler, a man of extraordinary conviction and perseverance, has been a role model throughout his inspirational life of service to our Nation and to the African-American community. His brave leadership helped to change our Nation's history in critically important ways.

Madam Speaker, I am honored to recognize Mr. Harvey Zeigler on his 90th birthday and to thank him for his courageous leadership and service to our country.

TRIBUTE TO THE WATERLOO FREE METHODIST CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate the members of the Waterloo Free Methodist Church, Lighthouse Fellowship of Waterloo, Iowa, on celebrating their 50th anniversary as a congregation at their current location.

The church was formed in 1883 and after several sites built the facilities at the present location of 1737 Cornwall Avenue in Waterloo, IA in 1958–1959. The church now goes by the name Lighthouse Fellowship and is a member of the Free Methodist organization.

The Lighthouse Fellowship has been an integral part of the surrounding Waterloo community, and I offer them my utmost congratulations and thanks on a prosperous history. I wish all the parishioners of Lighthouse Fellowship and the current pastor Reverend Al Taylor continued success, grace, peace and celebration as a community.

MICHAEL HUBBERT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Hubbert. Michael is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Michael and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Michael Hubbert for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF THE 175TH ANNIVERSARY OF THE OLMSTED UNITARIAN UNIVERSALIST CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Olmsted Unitarian Universalist Church of North Olmsted, Ohio, as they celebrate 175 years of spirituality rooted in diversity and a deep sense of community.

The First Universalist Church of Olmsted was founded in 1834. The founding members included early leaders of North Olmsted such as the Coes, Kennedys, Roots, Stearnses and Fitches. In 1847, church members built the first building at the corner of Lorain and Butternut Ridge Roads.

Cast in 1851, the large bell in the belfry continues today to act as a symbol of inclusion and emancipation. Before and during the Civil War, the bell tower was used as a station on the Underground Railroad to hide escaping slaves and their families. In 1963, this historic landmark structure was moved to its current site at Porter Road in North Olmsted. More than a thousand Unitarian Universalist churches exist throughout North America. They operate autonomously, with each congregation having the right to decide its own worship styles and ministers.

Madam Speaker and colleagues, please join me in honor and recognition of the congregation and ministry of the Unitarian Universalist church of North Olmsted as they celebrate their 175th anniversary. May this church continue to act as a beacon of spiritual truth, tolerance, and diversity for the people of Greater Cleveland.

TRIBUTE TO EMILY STOLL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Emily Stoll, of Indianola, Iowa, and congratulate her on her acceptance to the People to People World Leadership Forum held in Washington, D.C. from the 1st through the 7th of July 2010.

Chosen for her academic excellence, community involvement and leadership potential, this forum will provide Emily with daily leadership oriented curriculum, as well as allow her to visit the historic sights of Washington, D.C. and its surrounding areas.

The People to People Ambassador Programs, founded by President Eisenhower in

1956 to promote cross cultural and political understanding, currently operates on all seven continents, has over 400,000 alumni and provides students with the opportunity to learn and establish the necessary tools to become an effective leader.

Madam Speaker, I commend Emily Stoll for her commitment to academic and personal development. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Emily and her family in the United States Congress and I wish her the best in her future endeavors.

MEMORIAL RESOLUTION FOR TAM TRAN AND CINTHYA FELIX

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HONDA. Madam Speaker, I rise today to honor the lives of two young graduate students, Tam Tran and Cinthya Felix, who both died in a tragic car accident on the 25th of May of 2010. They were 27 and 26 years of age, respectively.

Tam Tran was born in Germany to Vietnamese refugee parents and moved to the United States at the age of 6. Denied political asylum in the United States, unable to return to Vietnam for risk of political persecution, and refused entry to Germany, her immigration status was in limbo, but Tran proceeded to excel and graduate from Santiago High school in Garden Grove, California, and be admitted to the University of California, Los Angeles (UCLA). As an undergraduate and vocal supporter of the Development, Relief and Education for Alien Minors (DREAM) Act, she joined Improving Dreams, Equality, Access and Success (IDEAS), a student organization that advocates for undocumented immigrant youth and students. Tran shared her story in congressional testimony, newspaper interviews, and events across the country. She eventually produced a collaborative student publication entitled, Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out, an account of the struggle facing undocumented UCLA students and relevant legislation. She went on to become a Ph.D. candidate in American Civilization at Brown University.

Cinthya Felix was born in Mexico and immigrated to the United States at the age of 15. Despite a late start, she eventually graduated from Garfield High School in East Los Angeles at the top of her class and was admitted to UCLA in 2003. As an undocumented student, she conducted research on educational inequalities and was one of the founders of the student run organization IDEAS, where she worked with Tran. She graduated from UCLA in 2007 with a double major in English World Literature and Spanish Literature and was admitted to Masters in Public Health programs at Colombia University and the University of Michigan. Because of her undocumented status, Felix was unable to access financial aid and had to defer her admissions. With much determination, Felix spearheaded an online fundraising campaign and was able to matriculate at Colombia University a year later, becoming the first undocumented student in the history of the school's public health program. Her goal was to pursue medical school and to return home as a practicing physician to help underserved communities.

Over three million students graduate from U.S. high schools every year. Most get the opportunity to continue on and live their American dream, but approximately 65,000 youth are denied this possibility because of their undocumented status. Tran and Felix were both outspoken advocates on this issue. The DREAM act can solve this injustice by allowing qualifying undocumented youth a conditional path to citizenship through the completion of a college degree or military service. As Chair of the Congressional Asian Pacific American Caucus, I recognize the needs of immigrants, especially those that concern our youth, and have long made comprehensive immigration reform one of our caucus' top priorities. Although Tran's and Felix's lives were tragically cut short, let us not forget their mission. Let us continue to work towards making the DREAM act a law.

Madam Speaker, I ask my fellow members to join me in remembering Tam Tran and Cinthya Felix. The adversity they faced and their stories of perseverance in achieving the American dream are an inspiration to every American student who wishes to pursue life's endeavors.

IN HONOR OF HOWARD R. CATHERS, JR.

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Howard R. Cathers Jr. who passed away on May 28, 2010 at the age of 90. Howard was a devoted and loving husband, father of four, grandfather of eleven, and great-grandfather of twenty-four.

Mr. Cathers served his country honorably in the U.S. Navy during World War II, in Okinawa, Japan, and was a member of Browns Mills Memorial Veterans of Foreign Wars Post 6805 and the Seabees.

Howard was a resident of Browns Mills for forty-eight years. He was a stationary engineer for Buttonwood Hospital, drove a school bus for the Pemberton Township Board of Education, and he and his late wife, Frances, worked for the Burlington County Times as newspaper carriers. Howard was also a member of Browns Mills Senior Citizen Club and St. Ann's Church. In his retirement he enjoyed making miniature doll house furniture.

Madam Speaker, I hope you will join me and a grateful nation in paying tribute to the life of this honorable man for his many contributions to his community and to our great country.

TRIBUTE TO MAJOR KERRY M. STUDER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Major Kerry M. Studer as a recipient of a Bronze Star Medal for his noble service as Commanding Officer of the 443rd Transportation Company in support of Operation Iraqi Freedom. Major Studer is a native of Mallard, Iowa and is a current resident of Des Moines.

Major Studer earned the Bronze Star, the Department of Defense's fourth highest award given, for his meritorious service, fearless leadership, and dedication to service during his twenty-one years in the Army Reserve. Major Studer has been deployed during Desert Shield, Desert Storm, and twice during Operation Iraqi Freedom.

Major Studer's commitment and courage during his service in the United States Military serves as an inspiration for soldier and citizen alike. I commend Major Studer for his selfless dedication to our great nation and consider it an honor to represent Major Studer and his family in the United States Congress. I know my colleagues join me in congratulating him and wishing him the best in his future service to our country.

MAY AS WORLD HEPATITIS AWARENESS MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. HONDA. Madam Speaker, I rise to recognize May as World Hepatitis Awareness Month and May 19th as World Hepatitis Day.

I commend the House Energy and Commerce Committee and House Foreign Affairs Committee for their support for raising awareness of the risks and consequences of undiagnosed Hepatitis B and Hepatitis C infections and the need for governmental and public health actions. I also want to thank my good friends Rep. Ed Towns and Rep. Bill Cassidy for working with me on hepatitis issues and speaking out on World Hepatitis Day.

An estimated 5.3 million people living in the United States are infected with either Hepatitis B or Hepatitis C. Hepatitis viruses are highly contagious viruses that infect the liver, cause liver disease, liver cancer, and premature death. Hepatitis patients are found in every Congressional district in every state across the U.S. Tragically, more than half are unaware of their status. Hepatitis is often called a silent crisis, but we cannot afford to be silent any more, and we will not be silent any more.

I introduced H.R. 3974, the Viral Hepatitis and Liver Cancer Control and Prevention Act of 2009 to unite the Hepatitis B and Hepatitis C community in a singular cause. H.R. 3974 will amend the Public Health Service Act to make critical improvements for education for patients and health care providers, access to immunization and screening, and surveillance and referral to care programs. The Act will also put in place a coordinated federal response to fight viral hepatitis. Through this legislation, and with strategic investments in public health and prevention programs, the lives of tens of thousands of people across the nation will be improved.

I commend the Obama Administration and Assistant Secretary for Health at the Department of Health and Human Services Dr. Howard Koh for developing an intradepartmental

viral hepatitis working group to improve the public health response to the disease, and for working with outside partners to increase access to quality health care and reduce the health effects from viral hepatitis.

I urge all of my colleagues to support the goals and ideals of World Hepatitis Awareness Month and to support H.R 3974. Through comprehensive education, research, and coordination, we can highlight the global nature of chronic viral hepatitis epidemics, work to improve the quality of life for those diagnosed, and prevent further spread of the disease.

RECOGNIZING THE 130TH ANNIVERSARY OF THE FIRST NATIONAL BANK OF WEATHERFORD, TEXAS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. GRANGER. Madam Speaker, I rise today to recognize the First National Bank of Weatherford, Texas, which has been serving the banking needs of the families and businesses of Weatherford and Parker County for 130 years.

The First National Bank has operated in the City of Weatherford, Texas, continuously since May 15, 1880, and is the oldest national bank charter in the state. Given the trouble the banking industry has faced in the last several years we can all appreciate this enormous accomplishment, which speaks to the strong leadership that has steered the bank over the course of its impressive history.

First National Bank is a true community bank with directors, officers, and employees who are committed to serving the needs of its customers. As with so many community banks the employees are so engaged in the Weatherford community because they are from the community.

The bank has a strong record as a good neighbor, contributing to the growth of the City of Weatherford and Parker County by supporting commerce, local charities and community events.

I congratulate the First National Bank on this significant milestone and wish them continued success in the future.

TRIBUTE TO JOYCE PATTERSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Joyce Patterson on the occasion of her retirement after 22 years of dedicated service as 4–H youth coordinator with the Iowa State University Extension of Boone County, Iowa.

Joyce has not only been a dedicated employee but she has touched every aspect of the 4–H Community. She has been actively involved in 4–H for the past 25 years as a member, club leader, employee, and pioneer in this organization.

Joyce's service to the youth of Boone County is truly something to be admired. The 4–H mission is to empower youth to reach their full potential, working and learning in partnership with caring adults, and Joyce is a shining example of 4–H at its best. She is an exemplary citizen who has instilled the Iowa values of hard work, self-reliance, and community service in many of Iowa's youth.

I know that my colleagues in the United States Congress join me in recognizing Joyce Patterson's service to the youth of Boone County. I consider it an honor to represent Joyce in Congress, and I wish her much happiness during her retirement.

HONORING GLORIA GUARD, RETIRING AS PRESIDENT OF THE PEOPLE'S EMERGENCY CENTER OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. FATTAH. Madam Speaker, one of Philadelphia's most forceful and effective advocates for homeless women and children is moving into well earned retirement at the end of this month.

Gloria Guard has been President of the People's Emergency Center since 1983—when she started by overseeing rented space in an old church that was only open weekends. On July 1 she bequeaths to her still-to-be-chosen successor a nationally respected $6 million agency that serves 400 women and children a year while developing almost 200 affordable and special needs housing units in the Powelton neighborhood of West Philadelphia in the 2nd Congressional District. Not only that, she has led PEC to establish 25 small businesses, eliminate 110 vacant lots, and repair houses and storefronts seemingly everywhere in Powelton.

It is a large footprint, and it is a visionary approach to the changing face of homelessness. It is Gloria Guard's approach. John Kromer, former director of Philadelphia's Office of Housing and Community Development, put it best in a newspaper interview about Gloria's retirement announcement: "PEC is not just about homelessness. It's about bringing up the entire neighborhood."

Gloria Guard has brought $80 million into the People's Emergency Center and to her causes, much of it in federal affordable housing resources. I have been an admirer and a willing target of Gloria's smiling determination to get what she and her clients need. That has made me a frequent visitor at the joyous ribbon cutting ceremonies and hopeful house tours she has arranged that have pointed the way toward a better life for thousands of Philadelphians.

One of the statistics Gloria Guard showcases is that over 90 percent of PEC's shelter and transitional housing residents remain self-sufficient after graduating from the Center's programs. While she directs the hands-on work of PEC, she has stepped up as a compelling advocate for changes in local and national policy that reflect the community of the homeless that she knows so well. She has pushed hard to change federal priorities and funding to deal with the women and children who increasingly face long-term homelessness for a complexity of reasons, not just concentrating on the predominantly male homeless population that is most visible on city streets.

Guard has stated: "I am most proud of the hundreds of homeless families that we helped at PEC who today are independent, working, solid parents and engaged citizens—totally invisible and immersed in the mainstream. Formerly homeless children are succeeding in high school, and a number have gone on to college. I have been truly blessed to encounter so many good people who have overcome such extraordinarily difficult circumstances. They are an inspiration to all of us."

Gloria Guard is not only a winner, she's an award winner. Her work earned her the 2004 Philadelphia Award, an honor reserved for the city's most notable philanthropists, artists, political visionaries, and social activists. She has also received the Sower's Seed Award from Trinity Washington University (2009), the Gold Coin Award from Inglis Foundation (2008), and was named one of the 75 Greatest Living Philadelphians by the Philadelphia Eagles and Dunkin Donuts (2007) and Citizen Volunteer of the Year by the United Way of Southeastern Pennsylvania (2001). Other honors include the Community Champion Award of the National Association of Housing and Redevelopment Officials (2005), the Philadelphia Bar Foundation's Louis D. Apothaker Award (2000), and the Professional Women's Roundtable award for 2009.

Now she can add yet another honor: Tonight, on Tuesday June 8, 2010, Gloria Guard is being feted by the People's Emergency Center and awarded PEC's own 2010 Imprint Award for "Nurturing Families, Strengthening Families, Driving Change." The venue is one of Philadelphia's most glittering, the Crystal Tea Room at the Wanamaker Building, across from City Hall. The invitation beckons Gloria's friends, supporters, admirers, staff, volunteers, PEC alumni and alumnae to salute this "passionate voice of homeless families in Philadelphia, the power behind neighborhood revitalization, and nationally recognized public policy leader who gets results. Join us to thank Gloria for devoting her life to social justice and the public interest."

Amen to that. Philadelphia is a better place, a more nurturing and supportive community, a place where women and children can find safety, security and vital services, because for 27 years Gloria Guard has worked relentlessly, passionately through the People's Emergency Center to end family homelessness. Gloria Guard's legacy is secure, and it is magnificent.

RECOGNIZING THE BEACON GROUP AND THE ABILITYONE GROUP

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GRIJALVA. Madam Speaker, today I rise to recognize the AbilityOne program, which over the past several years has offered skills and jobs training to more than 42,000 Americans who are blind or have significant disabilities.

The AbilityOne Program harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to receive

good wages and benefits and gain greater independence and quality of life.

Employment opportunities through the AbilityOne Program have significantly contributed to bringing people who are blind or have significant disabilities into the wider working society.

It is with great pride that I also acknowledge the Beacon Group Inc., one of the many social enterprises dedicated to enriching the lives of people with disabilities.

Since its beginning in 1952, the Beacon Group has been committed to providing employment-related opportunities to people with disabilities. It provides access to real work for a segment of the community that traditionally bears an unacceptably high unemployment rate. The Beacon Group now serves over 1,600 people with disabilities annually by providing a variety of employment opportunities and educational and social rehabilitation programs, all of which help lead to more meaningful and productive lives.

Madam Speaker, it is with great pleasure that I offer my support to the AbilityOne Program and commend the dedication and commitment of the Beacon Group's President, Mr. Steven King, and his staff, for helping individuals who are blind or have significant disabilities find employment. Their work helps people live fuller lives and become more active members of society. I also commend the many AbilityOne employees who work every day to improve the lives of others and make our country a better place to live.

TRIBUTE TO LUCY CHEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Lucy Chen, of Ames, Iowa, who is among the outstanding U.S. high school students selected to attend the annual Research Science Institute sponsored by the Center for Excellence of Technology and the Massachusetts Institute of Technology (MIT).

The mission of the Center for Excellence of Technology is to nurture young scholars to careers of excellence and leadership in science, technology, engineering, and mathematics. The Research Science Institute is a highly competitive six-week program which emphasizes advanced theory and research in mathematics, the sciences, and engineering. Lucy was selected for this program upon scoring in the upper one-percent of U.S. student PSAT exam scores. From June to July 2010, Lucy will learn from distinguished professors and conduct a research project at MIT.

I commend Lucy for her commitment to academic achievement and leadership in science and technology. She is a future leader of this country of whom Iowa is very proud. I am honored to represent Lucy and her family in the United States Congress and I wish her the best in her future endeavors.

HONORING BRIGADIER GENERAL RICHARD L. SIMCOCK, UNITED STATES MARINE CORPS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize Brigadier General Richard L. Simcock, United States Marine Corps.

From August 2009 to June 2010, Brigadier General Simcock distinguished himself through meritorious service while serving as the Legislative Assistant to the Commandant of the Marine Corps. Utilizing his leadership, communication skills, and dedication to duty, Brigadier General Simcock contributed to numerous successes of the overall Marine Corps mission. His knowledge of and experience in Congressional affairs, combined with an emphasis on Congressional relationships advanced the Commandant's strategy and vision. His leadership during this period has enabled the Marine Corps to continue to succeed despite high operational tempo and unprecedented interest in Marine Corps activities.

Brigadier General Simcock has developed an exceptional relationship with Members of Congress and staff members. We benefitted from his counsel and tireless work to provide answers to our questions about the Marine Corps, Marines and their families. This strong professional relationship is a direct reflection on Brigadier General Simcock's dedication, foresight, and proactive approach during his time as the Commandant's Legislative Assistant.

Working in concert, Brigadier General Simcock, the Armed Services Committees and numerous other Members of Congress, have helped to ensure the health of the Marine Corps. In the past year, Brigadier General Simcock's input and experience were paramount in the continued development, support, acquisition, and championing of Marine Corps initiatives and programs such as the Joint Strike Fighter. During this period, excluding hearings and official travel, General Simcock has responded to 3,886 Congressional Inquiries, 779 official requests-for-information from Members and Professional Staff, and connected Members with Marine General Officers on 425 occasions. His understanding of the legislative processes, his responsiveness and accurate, forthright communication with the Congress has furthered comprehensive support for the Marine Corps.

Brigadier General Simcock's leadership has set a new standard for the Office of Legislative Affairs and his genuine devotion to Corps and Country will ensure the Marine Corps is "most ready when the Nation is least ready" for many years to come.

TRIBUTE TO CHARLIE HEIDERSHEIT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Charlie Heidersheit, a native of Osage, Iowa who is stepping down after 33 years as the Executive County Farm Service Agency Director of Mitchell County, Iowa.

After studying at Loras College in Dubuque, Charlie came to Osage to begin his job as County FSA Director. This agency is in charge of delivering federal farm programs directly to Iowa Farmers. His dedicated service has helped countless Iowa farmers and contributed to Iowa's strong agricultural economy.

Although Charlie is retiring from his position as County FSA Director, he plans to continue to be an active member of Sacred Heart Catholic Church in Osage and spend more time volunteering in the community through many of the local organizations he has been active in including the Osage Knights of Columbus, Osage Lions Club, Osage Kiwanis, and Osage Cub Scouts.

I know that my colleagues in the United States Congress join me in recognizing Charlie Heidersheit and thanking him for his service to the State of Iowa. I consider it an honor to represent Charlie in Congress, and I wish him a long, happy and healthy retirement.

SHAWNEETOWN BICENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor the City of Shawneetown, Illinois, upon its bicentennial. Shawnetown was established as a city by the Federal Government in 1810 and is the oldest chartered city in the State of Illinois.

Shawneetown was home to the first bank in the Illinois Territory, chartered in 1816 and located in the John Marshall residence near the Ohio River Bridge. The first State bank in Illinois was built in 1839–1840 in Shawenetown.

General Marquis de LaFayette, of France, visited Shawneetown in 1825, as part of his famous tour of America after he had served so valiantly during the American Revolution.

Shaweetown was flooded by great flood of 1937. The gauge read 66 feet, which was five feet higher than the top of the levee. Following the 1937 flood, Shawneetown moved three miles west and was surveyed by the Federal Government.

Today, Shawneetown is the home of Bunge Grain Corporation, Power Inc., Shawneetown Harbor Service, Inc., a Peabody Coal Company River Dock and several other small businesses.

I would like to congratulate the citizens of Shawnetown as they celebrate 200 years of success. May God bless Shawneetown for many years to come.

RECOGNIZING DONALD DYE—WINNER OF THE TOP TEACHER AWARD

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Donald Dye, an English teacher

at the Belmond-Klemme Community School District in Belmond, Iowa, for winning the national ''Top Teacher Award'' search. Mr. Dye was named the top teacher on the Live with Regis and Kelly television program.

Mr. Dye was recommended for the award by Jim and Dianna Suntken and Curt and Diane Stadtlander, who wrote of Don in their nomination essay:

''Teaching is his passion! He believes in a good education for all and that school pride makes good citizens and a better world. Mr. Dye is affectionately known to his students and friends as ''Mr. D''. He is a compassionate, unselfish teacher who believes that all students, no matter their life styles or race, are all worthy and should always be taken seriously. All students are treated equal and special by him.

''Don Dye teaches English/literature and short stories at the Belmond/Klemme high school in our small community of Belmond, Iowa, where he has taught many different age levels for 37 years. He is respected and looked to for advice by fellow teachers not only for his teaching expertise, but for his warm and bubbly personality and incredible sense of humor. He has been on many committees and boards in the local school, area, and state.

''On the first day of school, Mr. D supplies the students with his home and cell phone number and strongly encourages them to call him night or day, no matter what the problem—whether if its to retrieve something from a locker, help writing a paper, and most importantly if they need a friend or someone to listen to them. He always says no problem is too big or small. He is always available 24-7 without fail. His family and friends tease him about not getting enough sleep, because his phone is always ringing. Just the other day a young boy needed someone to talk to about his sister lying in a hospital bed while taking chemotherapy and he knew that Mr. D always has time to listen. His closest friends know that he keeps his simple apartment, so he can have time to help people and families in need. Many years ago he lost the love of his life in a car accident; and since then he has devoted his life to helping others.

''Don Dye also takes great pride in our community. He has served on many boards, community events, and helped with many fundraisers for students or people in the community suffering from cancer, needing organ transplants, or other crises. He makes hospital visits, always surprising people with baked goods, and helping neighbors in need in some way—even if they don't think they are ''in need''. If someone is short on money, he will help them financially or lend a listening ear. He says he is just ''doin' what his mamma and papa taught him'', being raised a Pastor's kid and learning this as a child. Don is very active in church, including his second biggest passion of sharing his talent of music—playing the organ or singing in choirs. He is often found helping involve other people and youngsters to share their musical talents.

''But the ''job'' that Mr. Dye is the most passionate about is his teaching. You will often find him on the weekends at the school working on papers, thinking of great ways to involve the students and present his literature, helping students fill out scholarship papers, or helping former students with college work. And his cell phone still rings with college students needing advice not only in academics, but often adapting to college life or dealing with life's struggles. You will find college students stopping by the school just to check in with Mr. D.

''All students' self worth and pride are very important to Mr. Dye. He wants them to feel good about themselves. He will often brighten their moods or spark up their energy levels with music and a ''little dance'' as they enter class. No student will ever go hungry around Mr. D, due to lack of time or money. There is always a tub of healthy food. He feels that if students are hungry, their minds are not as sharp. Students also know where to get a tie for speech day, socks or sweatshirts if they are cold, or many other necessities that can be found in his cupboards.

''We hope you will carefully consider Mr. Donald Dye as one of your top teachers, because he never expects any praise or to be in the spotlight. Belmond parents are very grateful to have him as a teacher for their children and role model for all. His favorite motto is ''Celebrate the Day'', so we want to celebrate a day for Mr. Dye!''

Madam Speaker, Mr. Dye's award also underscores the powerful sense of community in the Belmond-Klemme School District, which rallied around Mr. Dye when it was announced that he was a finalist for the award. Always a humble man, Mr. Dye is among the first to acknowledge that this award, which was determined by online voting and presented live on ''Regis and Kelly,'' couldn't have happened without the community-wide effort and support.

The award underscores the value that Iowa has always placed on education. Every student who has gone to school in Iowa knows a great teacher like Mr. Dye, and every community in the state does everything it can to make sure students have the best possible chance to succeed in the classroom. Iowans know that the best way to invest in the future of our state is to invest in the education of our children. Mr. Dye's award is a testament to the commitment we place on education.

Mr. Dye is an incredible teacher, and his dedication to his profession and to his students should make every Iowan proud. It's an honor to represent him and the people of the Belmond-Klemme Community School District in the United States Congress, and I know that my colleagues in the House join me in congratulating ''Mr. D'' on this well-deserved award and thanking him for his dedicated service to his community and America's youth.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. WAXMAN. Madam Chair, I rise today in strong support of the amendment to repeal the ''Don't Ask, Don't Tell'' policy of our nation's military, a discriminatory and self-defeating policy that I have opposed from its inception.

Our restrictive policy undermines our national security. It has resulted in the discharge of more than 13,000 trained and qualified men and women from our armed forces. It has caused thousands more not to re-enlist and countless others not to serve at all.

That these brave men and women are being denied the opportunity to serve their country is a grave injustice. And, we have been so misguided in our pursuit of this discriminatory policy that we have ignored the very real harm it causes our military personnel at a time when our nation is engaged in two wars and the need for talented and dedicated service members could not be greater.

Twenty-five advanced militaries throughout the world, including our closest allies such as Israel, Canada, and Britain, allow gays and lesbians to serve and none have seen any damage to their readiness. In stark contrast, the United States military, because of ''Don't Ask, Don't Tell,'' has undermined its readiness by discharging capable fighter pilots, infantry officers, translators, and other highly trained specialists who are in high demand.

Admiral Mullen, Chairman of the Joint Chiefs of Staff, has said, ''we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.'' Today, many Americans defending our nation could be subject to a ''Don't Ask, Don't Tell'' dismissal. They should be able to serve without fear that their nation will punish them for being open about who they are.

''Don't Ask Don't Tell'' is contrary to the values this country stands for. America was founded on the principle of human dignity and on the belief that all men are created equal—and yet this policy perpetuates the absurd notion that some are more equal than others.

Those who oppose the repeal of ''Don't Ask, Don't Tell'' are using the same language used by those who opposed the racial integration of our Armed Forces in 1948, fought the inclusion of women, and argued against the Civil Rights Act in 1965. The arguments are just as wrong today as they were then.

I want to commend Speaker PELOSI and President Obama for their leadership on this issue, and I ask all of my colleagues to support repeal. Passage of this amendment will bring an end to this shameful inequity.

IN SUPPORT OF ''LEAVE NO CHILD INSIDE MONTH''

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. QUIGLEY. Madam Speaker, June is ''Leave No Child Inside Month,'' a time when parents and children are urged to explore, play and enjoy the outdoors in Illinois.

From Millennium Park to Lincoln Park Zoo, the Greenbelt Forest Preserve to McHenry Dam, families will be fishing, picnicking and learning beneath trees, beside beautiful lakes and amidst the natural treasures of Illinois.

This January, I passed a resolution honoring the Chicago Wilderness and the 250 organizations that make up this group of environmental enthusiasts.

They understand that children who grow up with an understanding of the land, air and water surrounding them grow into environmentally conscious adults.

These adults are actively involved in efforts to clean, restore and preserve our precious resources.

This month shows children that catching-and-releasing fish, playing with mud, and building a fort beat a video game any day.

I look forward to joining the fun.

WESLEYAN CHRISTIAN ACADEMY WINS IT ALL AGAIN

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Wesleyan Christian Academy's baseball team for winning its second North Carolina Independent Schools Athletic Association 3A state championship in three seasons.

Wesleyan Christian Academy defeated Forsyth Country Day School for the title. The team at Wesleyan Christian Academy fought hard to obtain its second state title. The team exhibited exorbitant amounts of determination and teamwork in order to claim the championship title for the second time. Trojan catcher, Chris Ferrante, hit a three-run homer against Forsyth Country Day, which proved to be just enough to defeat the Furies. Ferrante along with teammates, David Anderson and Bennett Hixon, displayed excellent fieldwork that further solidified Wesleyan Christian's lead. This championship game required tremendous skill and athleticism, not to mention, great advice and wisdom from Head Coach Scott Davis and his coaching staff.

The championship team members included Donnie Caldwell, Casey Corn, Cameron Hendrix, Bennett Hixson, Nick Blackwood, Kyle Washam, David Anderson, Nathan Midkiff, Chris Ferrante, Vincent Banks, Greg Key, Cameron George, and Ethan Brown. The coaching was led by Scott Davis, and his able assistant John Pavlack.

Again, on behalf of the Sixth District of North Carolina, we would like to congratulate the Wesleyan Christian Academy baseball team, the faculty, staff, students, and fans for an outstanding season.

CONGRATULATING EL PRIMER PASO LTD.

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor El Primer Paso Ltd., a preschool located in Dover, Morris County, New Jersey, which is celebrating its fortieth anniversary.

In 1969, a group of volunteers formed El Primer Paso with the intent of preparing children from the local Hispanic community for the public school education curriculum. Realizing the unparalleled importance of a solid educational foundation, these volunteers aimed to help local children of preschool age in valuable areas such as the English language and developmental growth.

The Trinity Lutheran Church of Dover loaned El Primer Paso meeting space for its first year, but in 1970 it moved to a house on Richards Avenue, owned by the Holy Rosary Church. Seven years later, the organization received a Comprehensive Employment and Training Act grant, its first government assistance. This grant allowed El Primer Paso to pay the salaries of two teachers, paving the way for the establishment of a formal program, complete with two half-day sessions, five days a week.

In 1980, El Primer Paso added adult language courses in response to numerous requests from parents of the preschoolers. These courses have since flourished into a thriving English as a Second Language Program, teaching local adults valuable communication skills for both work and social environments.

In 1984, El Primer Paso further expanded to include a preschool program for three year-olds. Four years later, the organization also began sponsorship of a Family Childcare Program, which provides training to those who desire to open Family Childcare homes. It also became a sponsor in the New Jersey Department of Agriculture's Family Child Care Food Program, ensuring that children receiving childcare from registered providers would receive nutritionally balanced meals and snacks at no cost to their parents.

Finally, in November 2000, after many years of borrowing space from the Holy Rosary Church, El Primer Paso opened the doors to its brand new facility at 29 Segur Street in Dover. Then, in 2009, the organization received accreditation from the National Association for the Education of Young Children, a standard met by fewer than ten percent of preschools across the nation.

El Primer Paso continues to look toward tomorrow as it prepares to expand its facilities. As they have the most devoted staff and trusties, the future of their school, as well as their students, is sure to be bright.

Madam Speaker, I ask you and my colleagues to join me in congratulating El Primer Paso Ltd., for its 40 years of admirable service to the community.

A SPECIAL TRIBUTE TO THE OHIO ARMY NATIONAL GUARD'S 1483RD TRANSPORTATION COMPANY UPON ITS RETURN FROM DEPLOYMENT

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. LATTA. Madam Speaker, it is with a great deal of pride that I rise to pay a very special tribute to a brave group of individuals fro Ohio. The 1483rd Transportation Company is celebrating its return from service in the theater of Operation Iraqi Freedom and the broader conflict of America's Global War on Terror.

There is no question the Ohio National Guard is one of the fundamental military components of our country. Over its brief but active course of service to our great nation, the Ohio Army National Guard's 1483rd Transportation Company has demonstrated its commitment to the cause of freedom. These soldiers have contributed to the long history of the U.S. Army Transportation Corps, dating back to 1942.

This Walbridge, Ohio-based Guard unit travelled over 325,000 miles, carrying with it almost 33,000 tons of equipment in support of America's efforts in Iraq. These soldiers conducted nearly 150 combat patrols, five vehicle recovery operations and a humanitarian mission where educational materials were shipped abroad. The 1483rd Transportation Company also moved over 400 Mine Resistant Ambush Protected vehicles, nearly 150 Bradley Fighting Vehicles and M1 Abrams tanks, and also helped in the U.S. military drawdown initiative in Iraq.

The 1483rd Transportation Company is deserving of the greatest respect and our highest honor. These individuals have not only ably and faithfully served our great nation in the theater of war, but have selflessly supported humanitarian efforts in the wake of Hurricanes Katrina and Gustav. Surely, America's safety and wellbeing have been strengthened by its steadfast service.

Madam Speaker, I ask my colleagues to join me in paying special tribute to the Ohio Army National Guard's 1483rd Transportation Company. America is well served by dedicated service men and women who have gone above and beyond the call of duty to protect our beloved nation. On behalf of the people of the Fifth Congressional District of Ohio, I am proud to recognize these citizen soldiers upon their return from serving America's interests in Operation Iraqi Freedom.

REID JOHNSON AND PAL

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of an enthusiastic public servant, someone who works tirelessly in our community, and who has a big heart for young people and a dedication to law enforcement. Reid Johnson, a King County Sheriff's Office Sergeant and the Executive Director of the Greater King County Police Activities League (GKCPAL), continues to make a remarkable difference in the lives of thousands of young people throughout King County.

Madam Speaker, the GKCPAL is not an extension of the King County Sheriff's office. It is a chapter of the nationwide PAL program; in other words, everyone working on behalf of the GKCPAL is a volunteer. No one, Madam Speaker, gives more time than Reid. His name is now synonymous with law enforcement and public service in King County. He spends time at schools, gymnasiums, and local hangouts—anywhere young people may need guidance and direction. Reid is doing so much to make our community a better place, Madam Speaker, and I thank him for his service.

The national PAL program is recognized by the Department of Justice as a juvenile delinquency reduction program. In King County, PAL gives young people a productive outlet

through mentoring, music, and a variety of other activities. Reid doesn't sit in an office and direct these programs. He is constantly in engaging individuals and families, and developing new and unique ways to make a difference. Madam Speaker, I urge every one of my colleagues to support their local PAL chapter—the programs available make a big difference in the lives of our young people, and to our overall public safety.

Reid's work with PAL is helped by his work overseeing the School Resource Officers with the King County Sheriff's Office. Reid is efficient and effective at what he does because everyone he encounters knows he means what he says. Reid is a dedicated servant. He's a special man and King County is a better place because of him.

Madam Speaker, I ask this House to join me in thanking Reid for his service and to wish him the very best as he continues to mentor and affect the lives of our promising young people.

FREEDOM FOR PEOPLE OF IRAN

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. GARRETT of New Jersey. Madam Speaker, on Saturday, June 12, 2009, the Iranian people went to the polls to vote in Iran's tenth presidential election. Today, almost exactly one year later, two things have become much clearer.

First, we have seen just how oppressive and authoritarian the Iranian regime is. When Iranian citizens took to the streets to dispute the results of the election, government officials responded with violence, murdering innocent people like Neda Soltan and assaulting others. Rather than apologizing for these atrocities, President Ahmadinejad dismissed the initial unrest as ''not important'' and accused foreign media of launching a ''psychological war'' against Iran. In the months following the election, government officials continued to arrest, torture, and imprison protestors and their family members.

Even now, the government's persecution of pro-democracy demonstrators continues. On May 9, five political prisoners, four of them Kurds, were hung. The following day, the Iranian court sentenced a Newsweek reporter, in abstentia, to 13 years in prison. In addition, Amnesty International reported a few weeks ago that 6 more people were sentenced to death for their association with the banned Iranian opposition, or having visited the group's Camp Ashraf, in Iraq.

Second, we have seen just how much the Iranian people desire freedom from the current regime. Despite the threat of injury and even death, Iranian citizens continue to express their displeasure with the current government. In December, Iranian activists participated in demonstrations in Tehran and other cities across the country. When President Ahmadinejad visited Tehran University a month ago, student demonstrators protested.

In light of these events, I recently joined twelve of my colleagues in signing a bi-partisan letter to President Obama, encouraging him to support the Iranian dissidents' efforts and work with international partners to put pressure on Iran.

I am also a co-sponsor of H. Res 704 that has 224 bi-partisan co-sponsors and supports the rights of the Iranian dissident members in Camp Ashraf, Iraq. We must condemn attempts by the Iranian regime and the Al-Maliki Government to harm these Iranian political refugees.

Finally, I praise New Jersey Assemblyman John Bramnick and the teen advocacy program No Nukes for Iran for planning a rally in Trenton on June 10. This event is sponsored by numerous Jewish organizations who wish to raise awareness of the danger a nuclear Iran poses for the citizens of Iran, as well as Israel and the U.S. As a conferee on the Iran Sanctions Conference Committee, I will continue to support prompt, aggressive action to deter Iran's nuclear ambitions. I also praise New Jersey government officials and non-profit groups for divesting pension and annuity funds from companies that do business with Iran's petroleum sector.

I am honored to stand with the thousands of Iranians who have dared to voice their opposition to the current regime and the journalists who have had the courage to cover their actions.

CONGRATULATIONS TO THE CONCORDIA ORIOLES BASEBALL TEAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. SKELTON. Madam Speaker, it is my honor to inform you that on Thursday, June 3, the Concordia High School Orioles baseball team became the 2010 1–A Missouri State Champions. Under Head Coach Nathan Beissenherz and Assistant Coach Brandon Figg, the team finished the season with a 19–3 record. This is the first state championship for any sport in Concordia High School history.

After a 15–3 regular season record, the Orioles defeated Wellington (4–2) in the Class 1–A Sectional and then defeated Liberal (5–2) in Quarterfinal play. This earned the club a trip to the finals in Springfield, Missouri, which was hosted at Drury University's Meador Park. The Orioles then defeated St. Elizabeth (9–3) and played Brashear in the final game. The team played solid defense and took advantage of opportunities in the field and at the plate, which propelled the CHS Orioles baseball team over Brashear (6–1) to win the state championship.

Members of the Concordia Orioles baseball team include: Collin Werths, Drew Smith, Kent Schuette, Dustin Heineken, Alic Frerking, Blake Smith, Tyler Tolias, Blake Heimsoth, Travis Flandermeyer, Jesse Flandermeyer, Carter Brown, Hayden Brown, Jacob Summers, Jacob Harms, Cale Brunkhorst, Zach Wolski, J.R. Langkrahr, Chris Latty, Josh Kock, assistant coach Brandon Figg and head coach Nathan Beissenherz.

Madam Speaker, the members of the Concordia High School Orioles baseball team have distinguished themselves as the 2010 Class 1–A Missouri High School Baseball State Champions as well as the first state champions in Concordia High School history. I am sure that my colleagues will join me in wishing Coach Beiz and his team all the best.

HONORING WORKERS WHO PERISHED IN DEEPWATER HORIZON ACCIDENT

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1347, which honors the lives of the 11 workers who were tragically killed in the explosion on the Deepwater Horizon offshore oil platform off the coast of Louisiana. It also commends the rescue workers who courageously responded to the explosion. They showed tremendous strength by risking their lives to save those of others.

I thank Chairman TOWNS for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congressman MELANCON, for honoring the individuals who lost their lives in the explosion. In addition, I would like to commend the Congressman for his commitment to serving the people of South Louisiana and promoting the interests of the Gulf Coast region throughout the many challenges it faces. Congressman MELANCON is a champion of South Louisiana's hard-working people, ecologically unique coastal environment, and nationally cherished culture.

My thoughts and prayers go out to the families and friends of the 11 individuals who passed away in the explosion. I know that they will be missed by their neighbors, friends, and coworkers, but most of all by their families, who will mourn their loss more than we can imagine. The men who passed away on April 20, 2010, were loving husbands, sons, and brothers. We must offer our support and care to their families in this time of need.

Hopefully, this tragic event can serve as a poignant reminder of the need for strong regulations and workplace protections in the offshore oil and gas industry. Measures must be put in place to ensure that a disaster of this kind never happens again. Offshore oil and gas exploration is a line of work that inevitably carries personal safety risks. However, with frequent safety checks, more stringent regulations, and the implementation of the most modern technologies, we can mitigate these risks and promote the safety and wellbeing of all workers in the industry.

In addition to the tragic human cost of the explosion, the resulting oil spill in the Gulf of Mexico continues to pollute and degrade the vital ecosystems in the Gulf and the surrounding coastal regions. We are only beginning to feel the massive environmental toll of the spill, which is likely to devastate an environment that is the backbone of the South Louisiana economy and on which thousands of individuals depend for their livelihood. We must stand in solidarity with the people of the Gulf Coast region. We must work to limit the impact of the spill, clean up the damage that has already been done, and hold the responsibile parties accountable. The costal environment and culture of south Louisiana are national treasures. We must work day and night to ensure that the damage endured is not irreparable.

Again, I extend my deepest condolences to the family of the individuals who were tragically killed in the explosion. The thoughts of our Nation are with them as they grieve the

loss of their loved ones. I urge my colleagues to join me in supporting H. Res. 1347.

ROSELAWN AMERICAN LEGION AUXILIARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to honor one of America's finest organizations, the American Legion, and to recognize one of its local Auxiliary units, Roselawn American Legion Auxiliary Unit 238, as they recognize their newly elected officials. The members of the American Legion Auxiliary Unit 238, as well as the Legioneers and the Sons of the American Legion, will be recognizing these individuals at the Installation of Officers Awards Dinner held on Wednesday, June 2, 2010 at the American Legion Post 238 in Roselawn, Indiana.

For many years, Roselawn American Legion Post 238 has been an extraordinary example of the ideals and mission of the American Legion. The American Legion Auxiliary was established in 1919 to assist the American Legion and has quickly become the world's largest women's patriotic service organization. For volunteering many hours to our American veterans and to the community of Roselawn, as well as all of Northwest Indiana, the American Legion Auxiliary Unit 238 and its newly elected officers are to be honored.

Please join me in recognizing the 2010–2011 newly elected officers for the Auxiliary Unit 238: Tina Stevens—President, Elizabeth Albright—First Vice President, Roxanne Hepworth—Second Vice President, Jane Bower—Recording/Corresponding Secretary, Adrian Mandernach—Chaplain, Natalie Haber-Barker—Historian and Parliamentarian, Lupe Hinch—Sergeant-At-Arms, and Jeannette Sutton, Nancy Lanier, and Phyllis Lindley—Executive Board Members.

Madam Speaker, I ask that you and my other distinguished colleagues join me in recognizing the American Legion Auxiliary Unit 238 and its newly elected officers. I also ask that you join me in honoring its membership for their service to their community, its veterans, and their devotion to the ideals of the American Legion.

HONORING VETERANS OF DELTA COMPANY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the distinct patriotic and heroic service of the Army Veterans of Delta Company, 1st Battalion, 501st Infantry, 101st Airborne Division, including three brave soldiers who lost their lives serving the United States in this Division. These soldiers of the United States Army made the ultimate sacrifice and dedicated their lives to serving the United States in 1970 and 1971.

The patriotism and heroism displayed by this Division are profound and immeasurable. They left their families and friends to fight for this country. They risked everything to fight for America and its future generations. In battle, these soldiers faced extraordinary circumstances and physical hardships. For this, we as a nation are forever in their debt and grateful for their loyalty and bravery.

Madam Speaker, I ask my colleagues to join me in recognizing the Veterans of the 101st Airborne Division for their invaluable service to our nation in time of war. It is my honor and privilege to pay tribute to these veterans and their families who proudly wore the uniform of their country, endured the rigors of war, and fought for our liberty and the freedom of future generations of Americans.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4629–S4707

Measures Introduced: Two bills were introduced, as follows: S. 3462–3463. **Page S4358**

Measures Reported:

S. 554, to improve the safety of motorcoaches, with an amendment in the nature of a substitute. (S. Rept. No. 111–202)

S. Res. 339, to express the sense of the Senate in support of permitting the televising of Supreme Court proceedings.

S. 446, to permit the televising of Supreme Court proceedings. **Page S4358**

House Messages:

American Jobs and Closing Tax Loopholes Act: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, taking action on the following amendments proposed thereto: **Pages S4630–42, S4642–50**

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute. **Pages S4630–42, S4642–50**

Sessions/McCaskill Amendment No. 4303 (to Amendment No. 4301), to establish 3-year discretionary spending caps. **Pages S4637–42**

Cardin Amendment No. 4304 (to Amendment No. 4301), to provide for the extension of dependent coverage under the Federal Employees Health Benefits Program. **Pages S4642–43**

Franken Amendment No. 4311 (to Amendment No. 4301), to establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program. **Pages S4643–48**

Cornyn/Kyl Amendment No. 4302 (to Amendment No. 4301), to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings. **Pages S4648–50**

A unanimous-consent agreement was reached providing for further consideration of the amendment of the House of Representatives to the amendment of the Senate to the bill at approximately 10:00 a.m., on Wednesday, June 9, 2010. **Page S4706**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–59) **Page S4653**

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13219 of June 26, 2001, with respect to the Western Balkans; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–60) **Page S4653**

Nominations Received: Senate received the following nominations:

Maura Connelly, of New Jersey, to be Ambassador to the Republic of Lebanon.

Daniel Bennett Smith, of Virginia, to be Ambassador to Greece.

Subra Suresh, of Massachusetts, to be Director of the National Science Foundation for a term of six years.

A routine list in the National Oceanic and Atmospheric Administration. **Page S4707**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Paul Steven Miller, of Washington, to be a Governor of the United States Postal Service for a term expiring December 8, 2016, which was sent to the Senate on February 1, 2010. **Page S4707**

Messages from the House: **Page S4653**

Executive Communications: **Pages S4653–58**

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Adjournment: Senate convened at 10 a.m. and adjourned at 6:10 p.m., until 10 a.m. on Wednesday, June 9, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4706.)

Committee Meetings

(Committees not listed did not meet)

NEW START TREATY

Committee on Foreign Relations: Committee concluded a closed hearing to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc.111–05), focusing on the negotiations, after receiving testimony from Rose Gottemoeller, Assistant Secretary of State for Verification and Compliance, and Chief U.S. Negotiator, Post-START Negotiations; and Edward L. Warner III, Secretary of Defense Representative, Post-START Negotiations.

HEZBOLLAH

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine the strength of Hezbollah, after receiving testimony from Jeffrey D. Feltman, Assistant Secretary for Near Eastern Affairs, and Daniel Benjamin, Coordinator for Counterterrorism, both of the Department of State; Ryan C. Crocker, Texas A&M University George Bush School of Government and Public Service, College Station; Danielle Pletka, American Enterprise Institute, Washington, D.C.; and Augustus Richard Norton, Boston University, Boston, Massachusetts.

AMERICAN CHILDREN

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families concluded a hearing to examine the state of American children, after receiving testimony from Elaine Zimmerman, Connecticut Commission on Children, Hamden; Alma J. Powell, America's Promise Alliance, and Harry J. Holzer, Georgetown University, both of Washington, D.C.; and Jack Lund, YMCA of Greater New York, New York, New York.

BIG OIL BUSINESS

Committee on the Judiciary: Committee concluded a hearing to examine big oil business, focusing on if recent court decisions and liability caps encouraged irresponsible corporate behavior, after receiving testimony from W. Jackson Coleman, EnergyNorthAmerica, LLC, Washington, D.C.; Thomas C. Galligan, Jr., Colby-Sawyer College, New London, New Hampshire; and Christopher K. Jones, Baton Rouge, Louisiana.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 5478–5485; and 4 resolutions, H. Con. Res. 284; and H. Res. 1425–1427, were introduced. **Pages H4246–47**

Additional Cosponsors: **Page H4247**

Report Filed: A report was filed today as follows:

H. Res. 1424, providing for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, and providing for consideration of motions to suspend the rules (H. Rept. 111–503). **Page H4246**

Speaker: Read a letter from the Speaker wherein she appointed Representative Zoe Lofgren to act as Speaker pro tempore for today. **Page H4217**

Title amendment: Agreed by unanimous consent to amend the title of H.R. 5136 so as to read: "To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.". **Page H4217**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Hoover Power Allocation Act of 2010: H.R. 4349, amended, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam; **Pages H4219–22**

Bonneville Unit Clean Hydropower Facilitation Act: H.R. 2008, amended, to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; **Pages H4222–23**

Hoh Indian Tribe Safe Homelands Act: H.R. 1061, amended, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe and to place land into trust for the Hoh Indian Tribe, by a ⅔ yea-and-nay vote of 347 yeas with none voting "nay", Roll No. 337; and **Pages H4223–25, H4227**

Honoring the life of Jacques-Yves Cousteau: H. Res. 518, amended, to honor the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation, by a ⅔ yea-and-nay vote of 354 yeas with none voting "nay", Roll No. 338. **Pages H4225–27, H4227–28**

Recess: The House recessed at 2:48 p.m. and reconvened at 6 p.m. **Page H4227**

Presidential Messages: Read a message from the President wherein he notified Congress that the national emergency declared with respect to the Western Balkans is to continue in effect beyond June 26, 2010—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–118). **Pages H4228–29**

Read a message from the President wherein he notified Congress that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2010—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–119). **Page H4229**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H4227 and H4227–28. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 8:50 p.m.

Committee Meetings

FHA REFORM ACT OF 2010

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 5072, the "FHA Reform Act of 2010." The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI. The rule further makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the report, may be offered only a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments except those arising under clauses 9 and 10 of rule XXI are waived. The

rule provides one motion to recommit with or without instructions. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or a designee. The rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill. The rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of June 11, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution. Testimony was heard from Chairman Frank and Representatives Cardoza and Capito.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 9, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine local perspectives on the Livable Communities Act, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 3386, to protect consumers from certain aggressive sales tactics on the Internet, S. 1938, to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving, S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, S. 3084, to increase the competitiveness of United States businesses, particularly small and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, S. 2847, to regulate the volume of audio on commercials, S. 817, to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes, S. 1748, to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter, the nomination of Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy, and a promotion list in the National Oceanic and Atmospheric Administration Commissioned Corps and the Coast Guard, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine issues related to the Department of the Interior's May 27th report entitled, Increased Safety Measures for Energy Development on the Outer Continental Shelf, including oversight of recent actions recommended by the Department to address the safety of offshore oil development, 9:30 a.m., SD–366.

Subcommittee on Water and Power, to hold hearings to examine S. 2891, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, S. 2779 and H.R. 3671, bills to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, S. 3387, to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purpose, S. 3404, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and H.R. 4252, to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, 3 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine S. 3305, to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, 10:30 a.m., SD–406.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the National Security Personnel System and performance management in the Federal government, 2:30 p.m., SD–342.

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold an oversight hearing to examine the enforcement of the antitrust laws, 2 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review the implementation of the 2008 Farm bill energy title, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Financial Services and General Government, hearing on FY 2011 Budget Request for the FCC, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Oversight and Investigations, hearing on Interagency National Security Reform: Pragmatic Steps Towards a More Integrated Future, 1 p.m., 2212 Rayburn.

Committee on the Budget, hearing on the State of the Economy: View from the Federal Reserve, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "Promoting the Development of

Antibiotics and Ensuring Judicious Use in Humans,'' 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights and Oversight, hearing on Women as Agents of Change: Advancing the Role of Women in Politics and Civil Society, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Collateral Consequences of Criminal Convictions: Barriers to Reentry for the Formerly Incarcerated, 10:15 a.m., 2141 Rayburn.

Committee on Natural Resources, hearing on H.R. 4347, Department of the Interior Tribal Self-Governance Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Information Policy, Census, and National Archives, hearing entitled ''Strengthening the National Historical Publications and Records Commission,'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on Deluge of Oil Highlights Research and Technology Needs for Effective Cleanup of Oil Spills, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, hearing on Liability and Financial Responsibility for Oil Spills under the Oil Pollution Act of 1990 and Related Statutes, 10:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on the U.S. Department of Veterans Affairs Office of Inspector General's Open Recommendations: Are We Fixing the Problems? 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, executive, briefing on Hot Spots, 1 p.m., 304–HVC.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the significant challenges faced by journalists and independent media throughout the Organization for Security and Co-operation in Europe (OCSE) region, focusing on physical threats and violence targeting journalists, including the murder of scores of investigative reporters, 11 a.m., SVC–210/212.

Next Meeting of the SENATE

10 a.m., Wednesday, June 9

Senate Chamber

Program for Wednesday: Senate will continue consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 4213, American Jobs and Closing Tax Loopholes Act, with rollcall votes expected to occur throughout the day.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, June 9

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 2142—Government Efficiency, Effectiveness, and Performance Improvement Act; (2) H. Res. 1330—Recognizing June 8, 2010, as World Ocean Day; (3) H.R. 5278—The ''President Ronald W. Reagan Post Office Building'' Designation Act; (4) H.R. 5133—The ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building'' Designation Act; (5) H. Res. 1381—Recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience; and (6) H.R. 5026—GRID Act. Consideration of H.R. 5072—FHA Reform Act of 2010 (Subject to a Rule).

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