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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

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

Lord God, in this season filled with Your Spirit, enable Your people to manifest love in their deeds. Strengthen them to hold onto the truth both in their minds and in their speech. May their joyful convictions and personal commitments be proven in every decision and external behavior and not merely expressed in talk.

No matter what conscience may charge them with, You, Eternal God, are greater than any human longing. All is known to You, both now and forever.

Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

THE JOURNAL

The SPEAKER. 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. Will the gentleman from New York (Mr. TONKO) come forward and lead the House in the Pledge of Allegiance.

Mr. TONKO led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

SHOWING COMPASSION

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

Mr. TONKO. I rise today to share a passage from Proverbs 31:8–9: ''If a man shuts his ears to the cry of the poor, he too will cry out and not be answered.''

Madam Speaker, let us heed that cry. I encourage my colleagues to open our ears today during this holiday season and hear the compassionate cry of the working poor and middle income families back home. In my congressional district alone, some 6,400 people who lost their jobs through no fault of their own will be without their earned unemployment lifeline by the end of this month, unless we act. At the same time, my colleagues in this Chamber are worried about people that own estates or make millions and billions of dollars each and every year.

Let us show compassion for our neighbors and family members by standing up for the working poor and our middle income families. We should continue to provide tax cuts for the middle class community and extend unemployment insurance.

IN RECOGNITION OF LOVELL JAMES WRIGHT

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

Mr. TERRY. Madam Speaker, I rise today to recognize James Wright for his 10 years of public service in my district staff. Throughout his career in our office, James has consistently demonstrated a genuine willingness to help others and improve our community. He has undertaken a number of projects in my district, such as a program to teach financial literacy to young adults, a ''5 percent home ownership'' initiative under the section 8 housing program, and an ''entrepreneurship'' program to create a critical mass in a struggling urban setting. He has also taken on a leadership role in an Omaha small business initiative in North Omaha.

All of these actions were directed at providing quality assistance to the people of Omaha. His positive attitude, dedication, and optimistic outlook are commendable attributes, and we're certainly appreciative of his outlook.

James is an outstanding member of the Omaha community. He loves our great city. He contributes to local and national charities and organizations as well as participates in the Omaha Community Playhouse. He's a dynamic individual with a wealth of knowledge. We thank him for his public service.

PRESERVING FOREIGN CRIMINAL ASSETS FOR FORFEITURE ACT OF 2010

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

Ms. CHU. Madam Speaker, last year, Bobby Salcedo, a beloved elected official in my district, was brutally murdered by the Mexican drug cartels while visiting family in Durango, Mexico. While I am saddened by Bobby's loss, his death has led me to fight the dangerous drug cartels that thrive along our border. That is why I introduced the Preserving Foreign Criminal Assets Forfeiture Act, a bill that will make it easier for Federal police to seize the illicit assets of international criminal organizations.

Foreign criminals are able to protect hundreds of millions of dollars in dirty money by moving their proceeds abroad before U.S. police can seize them, enabling them to continue their illegal activities. With this bill, we will have another tool to fight the drug cartels by cutting off their lifeblood and allowing Federal law enforcement officials to seize these illicit assets.

OPPOSITION TO TAX DEAL

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

Mr. FLAKE. Madam Speaker, I rise today in opposition to the tax deal negotiated between congressional leadership and the White House. Although we have yet to see the language of the bill, it is clear that it will represent a level of spending that should be unacceptable to those who are serious about our ballooning deficit.

What is striking about this legislation is the failure for either party to make tough choices. Where are the cuts? Take, for example, the 2 percent payroll tax deduction. If it is a good idea to reduce the payroll tax, it is imperative that we couple it with a reduction in benefits on the other side; but we make no such choices here. Again, we eat a sumptuous meal and pass the bill on to our kids and our grandkids because we lack the decency to pay for it ourselves.

If we can't make difficult choices now, Madam Speaker, when will we? Are we waiting for our New Year's resolutions to kick in? We're just a few years away from the fate of Greece and Ireland, and is this the best we can do? We can and should do better.

□ 1010

THE VIRGINIA DECISION

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

Mr. COURTNEY. Madam Speaker, Virginia Judge Henry Hudson's decision 2 days ago striking down one section of the Health Care Reform Act was about a lot less than all the noise in the last 24 hours. Despite the Virginia Attorney General's request, Judge Hudson did not strike down the whole law, and despite Virginia's request, he refused to delay its implementation.

That is good news for millions of young Americans now covered under their parents' health plans due to the health care law's age 26 dependent coverage, good news for millions of seniors in the Medicare doughnut hole who will get a 50 percent discount on life-saving medication, and good news for seniors for whom Medicare will finally cover checkups, cancer screenings and flu vaccinations.

Unfortunately, Hudson did rule against the law's system of shared responsibility for all Americans to have coverage, which would stabilize a health insurance market that has been collapsing for the last 10 years and would provide access to Americans with preexisting conditions. Fortunately, two other judges have ruled the other way, upholding the Nation's need for a stable insurance market in interstate commerce.

One thing Hudson did get right in his decision was his conclusion where he said, ''The final word will reside with a higher court.''

Thank goodness.

NO DEAL TO THIS TAX DEAL

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

Mr. PENCE. Madam Speaker, since last summer, I have urged this Congress to take action to prevent a tax increase that would affect every American in January of next year. So I rise with a heavy heart this morning to simply announce to my colleagues that I believe the short-term tax deal negotiated by the White House and congressional leaders is a bad deal for taxpayers, will do little to create jobs, and I cannot support it.

Despite the fact that last November the American people did not vote for more deficits, more stimulus or more uncertainty in the Tax Code, that is just what this lame duck Congress is about to give them.

You know, Madam Speaker, there is a reason why article I, section 7 of the Constitution says that all bills for raising revenue are to originate here in the House of Representatives. It is because our Founders believed that, when it comes to the people's taxes, the people's House should always lead. If the process is wrong, then the policy is wrong. We perpetuate the uncertainty. It is built into our Tax Code. Uncertainty is the enemy of our prosperity, and frankly, we can provide assistance to families struggling in this economy by making the hard choices to pay for it without adding to the national debt.

The American people have spoken. Let's say no deal to this tax deal, and get a better deal out of this Congress 3 weeks from today.

YES, THERE IS A SANTA CLAUS

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

Mr. DEFAZIO. Madam Speaker, today, the Senate with one vote will

increase this fiscal year's deficit by $430 billion under the pretense that it will get our economy back on track and create millions of jobs—and yes, there is a Santa Claus. Thank you very much.

Over 2 years, $858 billion in total has been financed with money borrowed, in good part, from China to pay for an extension of the stimulus tax cuts with a new twist—the money will be stolen from the Social Security Trust Fund and a large dose of Bush era trickle-down tax cuts, with new breaks for States over $10 million.

Last week, the Democratic Caucus spoke almost unanimously against this—and this week, under pressure from the White House and the Republican leader of the Senate, it appears our leadership is attempting to avoid our wishes and bring this bill forward without major changes. It will be a disaster for the American people. It is a bad deal for taxpayers, people who are unemployed and our kids and grandkids.

YUCCA MOUNTAIN RESTORATION

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

Mr. WILSON of South Carolina. Madam Speaker, last week, my home State of South Carolina, along with Washington State and the National Association of Utility Regulators, headed by Commissioner David Wright, scored a victory in the battle for the Yucca Mountain project. A Federal court ruled in favor of a plan to continue the nuclear repository.

The President's decision to abandon this project was editorially condemned as ''breathtakingly irresponsible'' as billions of dollars have already been spent to fund it. Utility customers of South Carolina have invested over $1.2 billion. The action also poses a security risk at dozens of nuclear waste disposal sites across the country. It means that vast amounts of nuclear waste will sit idle at the Savannah River site. This is unacceptable.

Nuclear energy is clean energy. It has provided my home State over 50 percent of our electrical power for over 30 years, and it is an important part of our Nation's energy resources.

In conclusion, God bless our troops, and we will never forget September the 11th. My sympathies to the family of George Campsen of the Isle of Palms, South Carolina.

CORPORATE AMERICA AND FOREIGN ENTITIES INFLUENCING ELECTIONS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, nearly 1 year ago, the Supreme Court issued a ruling which drastically changed the electoral system in America for the worse. The court's decision to confer the rights of individuals on corporations has altered the political landscape in a way that allows unprecedented, unlimited and undisclosed corporate spending that cannot be matched by private citizens.

The 2010 election cycle was the most expensive in our Nation's history, costing hundreds of millions of dollars and misinforming millions of Americans along the way. Allowing corporate America, as well as foreign companies, to spend unlimited amounts of money in U.S. elections is in direct contradiction to the health of our democracy and to the principles our country was founded on. There is already too much money in politics, and this decision only makes things worse.

This year, my friends on the other side of the aisle watched as Democrats took the brunt of this undisclosed corporate spending. But I promise you, in the future, you, too, will feel its lash. This is not good for our democracy, and I urge a legislative solution.

BANDITS, KINDERGARTEN AND BORDER PATROL

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

Mr. POE of Texas. Madam Speaker, I bring you news from the third front—the war zone that is our southern border with Mexico.

Violent behavior is reaching new lows in the Mexican border town of Juarez. Armed attackers busted into a kindergarten school and set it on fire.

Why?

Well, the criminal drug cartels found out the teachers in Juarez got a Christmas bonus, so they set up a new extortion racket. These outlaw banditos demanded a protection fee from the teachers to keep their students safe. When the teachers didn't pay up, armed attackers broke into the school and set it on fire.

Juarez is the most violent city in all of Mexico, and the violent cartels are bringing the war to the United States. Just last night, Border Patrol Agent Brian Terry was murdered by bandits in the border town of Rio Rico, Arizona. Our wide open borders are facilitating violence on both sides of the border war zone. Meanwhile, the administration just whistles past the graveyard.

And that's just the way it is.

CANDY FOR THE WEALTHIEST AMERICANS

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

Mr. YARMUTH. Madam Speaker, this week, the Senate and the House will be asked to vote on a package of tax extenders and other provisions that will provide great benefits for many hardworking American families and for low-income people. Unfortunately, this comes at a very high price to the American people and to the national debt.

We are being asked by Republican leaders in the Senate to give benefits to the very wealthiest Americans, including an estate tax provision that will benefit only 6,600 families—the wealthiest families in America.

This is like going to the hospital with a serious illness and having the doctor say to you, I'm going to give you $250,000 worth of care that's really going to help you; but in order to get it, you're going to have to eat $100,000 worth of candy that's going to do nothing for you but add a lot of weight down the road—to our national debt and to our children and grandchildren.

This is a bad deal for the American people, and I hope my colleagues will reject it.

HONORING SILVER STAR RECIPIENT CHIEF WARRANT OFFICER TWO MARK ROLAND

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, the Army's third highest award for combat valor is the Silver Star. Today, it is my honor to praise a Silver Star recipient from my district in State College, Pennsylvania, Chief Warrant Officer Two Mark Roland.

In August at Fort Bragg, he received the award for gallantry in action against an enemy of the United States from Lieutenant General John F. Mulholland, commander of the U.S. Army Special Operations Command at Bragg. The award comes from the President of the United States.

While serving as the Intelligence Sergeant for a Special Forces Operational Detachment at Firebase Ripley in Afghanistan, Roland cleared and destroyed enemy fighters at close range, rescuing eight Afghan soldiers and leading the actions of the detachment's split team to a battlefield victory.

The citation reads that Roland distinguished himself by inspiring those around him to extraordinary collective valor. His personal courage and commitment to mission accomplishment in a combat zone, under extreme circumstances, greatly contributed to mission success.

Roland and all of the other servicemembers serving in Iraq and Afghanistan deserve our praise and our gratitude for daily risking their lives for freedom. A Silver Star is our Nation's token of our greater thanks.

VOTING ON THE PRESIDENT'S TAX PROPOSAL

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

Mr. COHEN. Madam Speaker, we will probably be voting on the President's

tax proposal this week—a very difficult vote. I really don't know how I'm going to vote.

On the one hand, I see the benefit of getting timely temporary and targeted relief to people, which helps the economy with unemployment compensation, unemployment compensation that is most needed for the people of the purple hearts of this Bush recession.

On the other hand, I see the money going to the upper 2 percent—the millionaires and billionaires—who will get $700 billion over 10 years, which will put a deficit on our children and grandchildren for years to come—something we can't afford. When it comes time to affording it on reckoning day, it's going to hurt people getting Social Security, Medicare and Medicaid, and that's something I can't see.

The estate tax will benefit 6,600 families, to the tune of $25 billion, and I see that as wrong, too; but I understand the need to stimulate the economy and to get middle class tax cuts to the people earning less than $250,000.

I ask my constituents to contact me at www.Cohen.house.gov. Let me know what you think.

□ 1020

VIRGINIA OBAMACARE RULING

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

Mr. PITTS. Madam Speaker, earlier this week, a Federal judge in Virginia acted to defend the American people from an unconstitutional mandate to purchase health insurance. It really shouldn't be a surprise that a Federal judge recognized what many of us noted months ago: the Constitution does not give Congress and the President the right to force Americans to purchase a particular good or service.

Instead of finding ways to bring down the cost of insurance so that anybody can afford at least basic coverage, ObamaCare puts the Federal Government squarely in charge of the health care industry and then makes every American participate. The government defines what insurance is, what it does, what it covers and doesn't cover, and then forces you to buy it. Even with this unconstitutional mandate, health care costs will rise faster because of ObamaCare.

The next Congress will act to repeal this mandate and all the other bad ideas in ObamaCare because we, too, have a responsibility to protect the Constitution of the United States.

TAX CUT PROPOSAL

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

Mr. PAYNE. Madam Speaker, I, along with many of my Democratic colleagues, continue to fight for economic priorities for middle class Americans and for provisions that will create jobs and grow the economy. However, the tax proposal announced by the President calls for sharp differences in the policies and priorities of the Democratic and Republican parties.

For instance, the Democrats continue to fight to maintain tax cuts on incomes up to $250,000 per couple and $200,000 per individual, while Republicans continue to demand tax cuts for all incomes, including millionaires and billionaires.

The Democrats also strongly support the extension of unemployment benefits to help out-of-work Americans make it through the recession, while the Republicans are willing to hold the middle class and the unemployed hostage to benefit the wealthy.

The Democrats are championing the needs of low-income families by fighting to extend the child tax credit and the earned income tax credit. In addition, we are fighting to continue the college tuition tax credit to help students or working class families afford college.

Madam Speaker, I urge my colleagues to support a tax cut proposal that will benefit our working class families and grow the economy.

EXTENDING THE TAX CUTS

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

Mr. COSTA. Madam Speaker, I rise today in support of extending tax cuts to American families and businesses.

This week, we have a choice. Congress can continue the campaign politics of the past year or Republicans and Democrats can set aside their talking points and get something done for the American people. I support the latter.

In my district, families are putting together their budgets and trying to make ends meet under difficult times. Small businesses are trying to make hiring decisions for next year. Family farmers are scared of losing their operations due to a looming bump in the estate tax, their inability to pass the farms on to their children.

In this struggling, fragile economic recovery, we cannot afford to let this happen. After months of partisan gridlock, it's time for Members of this House to listen to the American people and prevent their taxes from going up on January 1.

Delay is not an option. I call on the Congress to send the commonsense compromise, that is a compromise—that means by its very nature we have things that we like and things we dislike in the package—before us and send it to the President's desk, and then we must get serious about addressing and putting our Nation's fiscal house in order, which is job number one.

AIR FORCE TANKER

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

Mr. INSLEE. Madam Speaker, I rise to alert my colleagues to a very important job creation issue that resides potentially in the defense authorization bill that may come to the floor.

We have the opportunity to do something right for the American worker and the American taxpayer by insisting that in the competition for the new Air Force tanker that we take into consideration the illegal subsidies that have benefited so extraordinarily the Airbus competitor for the tanker contract. It is absolutely imperative that at this moment when we are struggling to create jobs in this country that we take into consideration in this competition the fact that our competitors in Europe have received over $5 billion of illegal subsidies, and we have to insist the Pentagon take that into consideration.

For those that share my view, I hope you will join me in a letter to make sure that an amendment we passed will become part of the defense authorization bill. It is the only way to make sure that we keep these jobs in America and build a U.S. Air Force tanker.

EXTENDING THE TAX CUTS

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

Ms. BERKLEY. I rise to support the tax compromise that will be coming to the floor for a vote this week.

I represent the State that has the highest unemployment rate in the country. In my district, almost one in five people that I represent, 20 percent, are unemployed. The extension of those unemployment benefits is critical to the survival of thousands of the families that call Las Vegas home.

In addition to that, I represent a working class town. People think of Las Vegas as glitz and glitter, but it's glitzy and glittery because of all the working men and women that call Las Vegas home. I represent waiters and waitresses and busboys and Keno runners and cocktail waitresses and valet parkers and showgirls. They're all middle-income wage earners, and to extend that middle-income tax cut is critical to them.

The alternative minimum tax extension is important to 33,000 Las Vegans that will be ensnared by that alternative minimum tax if we don't pass it. The earned income tax credit, the marriage penalty tax credit, the child care tax credit, for the people I represent, so many of them single women with children and working, they need this child care tax credit.

Let's all vote for it.

SUPPORT DON'T ASK, DON'T TELL REPEAL

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

Mr. GARAMENDI. Madam Speaker, later today we're going to vote on Don't Ask, Don't Tell. This is a personal thing. I know a young gentleman who was in the Army, a graduate of West Point, extraordinary young African American. He's had two tours in Iraq, brought his company back safely from both tours without loss or injury to any member of his company.

But he also honored the commitment of the military not to lie and to be honest and straightforward. He was gay, and he was drummed out of the military. It is an enormous loss to America. I have no doubt that this gentleman would be a general and could probably rise to the highest ranks of the military.

We have to change the Don't Ask, Don't Tell policy. Later today, we'll have a chance to do that, and I'm sure that our colleagues, in recognition of the need of this Nation for well-qualified men and women in the military, will do away with this policy and set in place an opportunity for every American to serve this country, wherever and whatever their circumstances might be.

TAX CUT PROPOSAL DEFINES CONTRASTING PRIORITIES

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

Ms. WATSON. Madam Speaker, the tax proposal announced by the President further defines the sharp differences in the policies and priorities of Democrats and Republicans.

Democrats are fighting for the needs of the middle class and for provisions that creates jobs and expands economic opportunities. Republicans are demanding tax breaks for the wealthy.

Democrats continue to fight to maintain tax cuts on income up to $250,000. Republicans continue to demand tax cuts on all incomes.

Democrats made a priority of extending unemployment benefits to help out-of-work Americans make it through the recession. Republicans were willing to hold the middle class and the unemployed hostage to benefit the wealthy.

Democrats will continue to fight for the economic priorities of middle class Americans, to create jobs, and to grow the economy. These are the principles that define the contrast between the Republicans and Democrats.

□ 1030

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. DEGETTE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 15, 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, the Clerk received the following message from the Secretary of the Senate on December 15, 2010 at 9:40 a.m.:

That the Senate passed S. 4005.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

APPROVING PURCHASES OF LITTORAL COMBAT SHIPS

Mr. TAYLOR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6494) to amend the National Defense Authorization Act for Fiscal Year 2010 to improve the Littoral Combat Ship program of the Navy, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6494

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

SECTION 1. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—Subsection (a) of section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in paragraph (1)—

(A) by striking ''ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems'' and inserting ''20 Littoral Combat Ships, including any ship control and weapon systems the Secretary determines necessary for such ships,''; and

(B) by striking ''a contract'' and inserting ''one or more contracts''; and

(2) in paragraph (2), by striking ''liability to'' and inserting ''liability of''.

(b) TECHNICAL DATA PACKAGE.—Subsection (b)(2)(A) of such section is amended by striking ''a second shipyard, as soon as practicable'' and inserting ''another shipyard to build a design specification for that Littoral Combat Ship''.

(c) LIMITATION OF COSTS.—Subsection (c)(1) of such section is amended by striking ''awarded to a contractor selected as part of a procurement'' and inserting ''under a contract''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Mississippi (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. TAYLOR. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Madam Speaker, the Littoral Combat Ship Program started off as a very good idea. It was to be a single purpose, low-cost war ship that would help our Navy get to the stated goal of at least three Chiefs of Naval Operations of getting back to a 313-ship Navy.

With that said, the program has had, admittedly, a number of problems. First of which was, we were going to build it to commercial specifications. That was a mistake that Congress later corrected because this is a warship. It needed to be built to warship recommendations. You don't build disposable ships unless you want to have disposable crews, and our Nation will never settle for disposable crews.

Madam Speaker, having solved that problem, we found that the two vendors took a ship that was supposed to stand for LCS, Littoral Combat Ship, and it came late, costly, and subject to protest. And only because of the great work, in my opinion, of Under Secretary of Defense Sean Stackley of devising a strategy about a year ago that, in effect, read the riot act to both vendors and told them they were going to do a number of things.

No. 1 in order to submit their package to Congress, their proposal, they were going to submit with that a technical data package which meant that our Nation that has paid to develop these ships would have the specifications to those ships so that if either vendor continued to underperform, we could then go out and seek additional vendors to build this ship if we felt like our Nation was not getting the ship we deserved at the price we need to pay. Under Secretary Stackley came back with a proposal that said we would give to one vendor a contract for 10 ships and then take that technical data package, put it out on the street and give a second vendor a contract for five, a winner-take-all strategy between a monohull ship and a trihull ship and gave the vendors about 8 months to come up with a price.

Madam Speaker, one of the few pleasant surprises of this Congress was that both vendors came back with remarkably good prices when given that all-or-nothing proposal. And I want to compliment, give credit where it's due to Under Secretary Stackley. I also want to give credit where it's due to the Seapower Subcommittee, the gentleman from Missouri (Mr. AKIN), and the other gentleman from Missouri, Chairman SKELTON, for allowing us to work with Under Secretary Stackley to get this program back under control.

Having said that, Madam Speaker, Under Secretary Stackley, once he looked at those prices—and I deeply regret the gentleman from Arizona was exactly right over in the other body when he said yesterday, What's the price? The public needs to know. Unfortunately, under the rules of our Nation, we are not allowed to divulge them just yet. Part of that reason is the fear that both vendors will drop their bids and come back later at higher prices.

So one of the limitations we are going to be working under today is the inability to give the exact price to Congress but to tell you that this ship that started out to be about a $220 million dollar ship grew to be about a $720 million ship. We have now got the price a heck of a lot closer to the first number than the last number which is where we needed to go all along.

Under Secretary Stackley is now asking, since both prices came back, and since there is a working ship of each variety out in the fleet right now that are performing well, he has asked for permission to buy both ships at the low price that the contractors have agreed to build them on. Having given that some thought, I think he is right. And also given the economic circumstances that the price of aluminum is down by about half since 3 or 4 years ago, the price of steel is down by about half from 3 or 4 years ago, that American vendors need work, that because they need work, they are supplying the kind of prices that our Nation should have been paying all along, that we can get the Navy the ships they need at a price our Nation can afford and build 20 ships for about $2 billion less than we had originally budgeted to build 19 ships. For all of these reasons, Madam Speaker, I rise in support of this program. I want to thank the gentleman from Missouri (Mr. AKIN) for being a cosponsor to this measure.

Madam Speaker, I rise in support of H.R. 6494, a bill granting authority for the Secretary of the Navy to construct up to 20 Littoral Combat Ships, 10 each from the shipyards currently building the vessels. This is a change in already passed authorization to "down-select" to one of the two types of ships and build 19 of them over the next 5 years. This change in acquisition strategy is the result of lower than expected construction proposals from the two competing shipyards.

The LCS has a very troubled history, but the bill before us today is about the future, it is about how true competition between vendors has actually forced these contractors to return competitive bids that this Nation can afford. These are good ships. Up until now they have just been too expensive to build. Neither contractor, until faced with the prospect of being shut out of the program, had ever submitted a realistic proposal for affordable construction. They now have.

I would not be here today requesting this House pass this legislation if I was not highly confident that this is the right thing to do, and that this action will not come back to be an issue that my friend and colleague from Missouri will need to deal with in the next Congress as he takes the gavel of the Seapower subcommittee.

I will also be the first to admit that the timing for this new acquisition proposal from the Navy is flawed. Normally, this is not the kind of decision that we would consider at the end of a Congress. However, the Navy has bids in hand from the two contractors that will expire this month if not acted upon. Unfortunately, time is of the essence.

For my colleagues, the bottom line is this: The Navy has budgeted approximately $12 billion dollars for 19 ships over the next 5 years. This new strategy would buy 20 ships for approximately $9.8 billion dollars, a savings of over $2 billion from the budget, with the additional benefit of getting an extra ship. I believe this is a good deal and we should take it.

I would like to state for the record that this affordable strategy for the purchase of this class of ships would not have been possible without the tireless work of our Assistant Secretary for Acquisition, the Honorable Sean Stackley. He was the official responsible for the strategy which forced the contractors to offer affordable bids, at a firm fixed price, to build these ships. I congratulate him on the effort. If the Department of Defense could just get 100 Sean Stackleys working over there, we would have far fewer issues with cost overruns and program delays on weapons and equipment our warfighters need.

I urge my colleagues to agree to this resolution.

I reserve the balance of my time.

Mr. AKIN. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Speaker, I rise today in support of H.R. 6494, a bill that would authorize procurement for the Littoral Combat Ship.

And I will start by thanking Chairman TAYLOR, who has been extraordinarily diligent in this effort in making sure that our Nation gets the best deal on LCS, knowing that there have been some hiccups in the past. He stood up and made sure this process was going to happen properly, that it was going to be the best value for our Navy and the best value for the United States. So I applaud the chairman for his leadership there. And also to Ranking Member AKIN who, alongside the chairman, made sure also that this process was going to happen properly and that the proper decisions were going to be made and that we were going to make the best decision on behalf of our Navy.

And as we all know, this legislation would amend the FY 2010 National Defense Authorization Act to authorize the procurement of 20 Littoral Combat Ships which are absolutely needed these days in our Navy. This bill would also allow the Navy to enter into one or more contracts and allow the Navy to conduct a competition for an additional shipyard for ship construction to be built to a design specification for that ship. That technical data package will belong to the United States, so if something doesn't go right with this two-ship acquisition, we have the opportunity to fix that and get it back on track.

Absent an NDAA, it is imperative to ensure that our Navy shipbuilding program remains on the right track. By procuring 20 Littoral Combat Ships, that gives our Navy the ability to increase its mission capability and project power throughout the littoral waterways around the globe.

We need to do everything we can to get Federal spending under control, and this bill does that. This bill, as Chairman TAYLOR says, cuts to the heart of reducing spending, gets us actually the same number, if not a little bit more, for $2 billion less. It is a good deal for this Nation. The thing we have to keep in mind in the future is looking at the operation and maintenance costs of two platforms, making sure they were holding the Navy firm to controlling costs there, both the training costs of multiple crews and the operation and maintenance costs. We have been assured by Under Secretary Stackley that that will happen. So I urge my colleagues to support this bill.

Mr. TAYLOR. Madam Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, I rise in support of this legislation, which I think strikes the right balance in terms of the need for our Navy to build up its Littoral Combat Ship Program but also addressing I think a lot of the problems of this program, which has been very troubled over the last few years in terms of trying to get the cost per ship down.

□ 1040

I'd just like to say, though, on a personal note, that the work that Chairman TAYLOR has done on this program going back to 2007 with a series of hearings, looking at, again, the alarming increases in cost growth has been an extraordinary contribution, not just to this Congress, but to our country. There has been no one who has been more diligent in terms of trying to look out for the American taxpayer. There is no one who, in my opinion, has been more knowledgeable about every aspect of these vessels than the gentleman from Mississippi who is departing in a few days, and who I think is going to be sorely missed by this country in terms of the amazing work that he's done as chairman of the Seapower subcommittee.

All across the spectrum, in terms of ships, he has been there trying to, again, advance this country to get to the goal of a 314-ship Navy, which has been a struggle, protecting the industrial base, from New England all the way to San Diego and, again, all the time while being open and accessible to all Members across both party lines in terms of making sure that, again, we're going to achieve those goals and make sure that our country, which is still a great maritime power, is going to have a Navy that can project our force in a way that, again, is adequate for the challenges of the 21st century.

Again, his service to this country has just been extraordinary. It has been a

privilege to serve with him over the last 4 years. Passing this legislation, I think, will be, again, another capstone to a great career in Congress. And, again, I want to thank him for his service.

Mr. AKIN. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), who has been the ranking member on this committee a number of times.

Mr. BARTLETT. Madam Speaker, I've been involved with the LCS program from its very inception; and when the Navy announced that they were going to do a down select with this competition, I was somewhat dismayed because these are two very different ships, an aluminum trimaran, and the more conventional ship optimized for these special missions. And I wasn't sure that we knew enough about the potential of these two ships to make that down select during this competition.

So I was very pleased when Sean Stackley called me and said that they were surprised and shocked by the quotes that came in. Competition, you know, really does matter. And when the down select was threatened, each of these competitors came in with a really good price.

So I was very pleased when the Department decided that they would like to buy 10 of each of these ships. These are multi-mission ships. I'm sure one of these ships will be better for one mission than another, so I am very pleased that we're taking this route; and I couldn't be more supportive of where we're going now with this.

If we're ever going to get to a 313-ship Navy, the LCS is going to play a big part of that. This is going to be a huge class of ship. A half of that class is going to be bigger than almost any other class of ships that we have had, so this is a win-win for everybody, and I'm pleased that we are taking this route.

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

Mr. AKIN. Madam Speaker, before I get into my comments, I think there are a couple of people that we, as a Congress, and even we, as a people, as Americans, need to be thankful for. And the first is Chairman TAYLOR, who I've had a chance to work with now a couple of years as the minority leader on the Seapower Committee. I don't know of anybody in our country who is more committed to the Navy or to making sure that we use our money wisely, and to the overall security of our country than Chairman TAYLOR.

And so I want to extend my personal thanks for the fact that what you don't see here just for a few minutes' discussion on the floor was hours and hours of tours through shipyards, all kinds of details, talking to all kinds of people and trying to make sure that a program that was a little difficult as it started out got on track, and now is not only on track, but represents a significant opportunity for us to invest in the security of our country.

And so hats off to Chairman TAYLOR. And I agree completely that we're going to certainly miss your expertise and your hard work, Mr. Chairman.

Mr. BARTLETT. Will the gentleman yield?

Mr. AKIN. I yield to the gentleman from Maryland.

Mr. BARTLETT. For 4 years I was the chair of this subcommittee, and Mr. TAYLOR was my ranking member; and then the leadership in the Congress changed, and for 2 years, I was his ranking member and he was my chair. And then, sadly, due to our term limits on the Republican side of the House, I had to leave that subcommittee, but never left my interest, strong interest in that subcommittee.

And I will tell you that there is no person in the Congress who has been more committed or more effective in making sure that we have the right kind of Navy, the right size Navy.

When I first came here, I looked up GENE TAYLOR because we shared some social things. And as a Democrat, he kind of shone out as different than the other Democrats. And we've become the very best of friends since then. He tells people that we're joined at the hip, and indeed we are.

GENE, it's been a real, real pleasure to serve with you, and your departure is a grave loss to this Congress and to our Nation. I've been honored to serve with you, sir.

Mr. AKIN. Thank you for those most appropriate comments, ROSCOE.

The second gentleman that I think we need to recognize, Under Secretary Stackley, has really helped tremendously with his level of detailed knowledge about how you work these contracts. And he got the contracts, as Chairman TAYLOR mentioned, reorganized to some degree a couple of years ago, and now we have two excellent bids before us.

Now, one of the things that people know that have been around Congress a little bit is Congress has trouble making decisions rapidly or even wisely sometimes. I don't think that's the case today. Today, Secretary Stackley came to a number of us and said, look, there's two different ways we could go, the way we were planning to go, which is we down select, buy 10 ships, and then we resubmit bids to a number of different vendors.

He said the other alternative, which is very interesting, is that we just go with both contractors and buy the 20 ships right off the bat. And so as we had a chance to ask some questions, though not to the degree that many of us would have felt comfortable with, it became apparent that we would save money for the Navy and we could project more seapower more rapidly by going with both contractors, buy 10 from each side.

Now, the ships are different, as has been mentioned this morning. Certainly, an aluminum trimaran is a lot different than a monohull. It has its difficulties in anchoring in certain places or docking in certain places because it is so wide. But each has their place overall in the Navy.

Now, these ships, to try to put them in perspective, there may be some people who are not immersed in the detail here, we're not allowed to talk about the price that's been bid, but, generally speaking, you're looking at, you could buy five of these for the cost of one nuclear-powered submarine. So what we're talking about is a ship that is inexpensive enough, and we have enough of them that it allows America to project its seapower to little corners of the world where otherwise we don't have a presence that we need to have.

About a year or so ago, there was a lot of talk about pirates, and everybody got their best pirate voice out and talked about the pirates that were seizing commercial shipping. Some of that was allowed because of the fact that we didn't have as many ships as we might like in certain areas. This would be just one example of where these ships might become useful. They would become useful in hunting submarines and for all kinds and varieties of other missions.

And so this proposal that's before us is a result of some very good work by both Under Secretary Stackley, his coming to us and saying, look, there is a better way to do this but, Congress, you have to be able to respond and be agile on your feet.

Fortunately, there is a uniform agreement across the people that have been working these projects that, in fact Secretary Stackley is right and this is what we should do. So hats off to Secretary Stackley and particularly to Chairman TAYLOR for the good work that's been done.

I'm obviously speaking in favor of the proposal before us here. And there was some sense of frustration early on in trying to get the numbers and to get through the details that we had to in order to make a decision here; but I am very comfortable that what we're doing is the right thing.

The opportunity before us to pass this piece of legislation allows us to prove that it's wrong once in a while that Congress can't be agile and make wise decisions.

□ 1050

We will look to the Navy and to Secretary Stackley to help to continue to manage this program and make sure that the bids come in as we expect, that the Navy gets a good buy, and that we work to where we should be with enough ships to secure and give Americans the security that we believe is necessary and to provide a safe and peaceful world.

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

Mr. TAYLOR. Madam Speaker, first let me again thank future Chairman AKIN, former Chairman BARTLETT.

I believe it was CNO Vernon Clark who first proposed this program. The idea was to build a ship under the speed

of light, an inexpensive ship. That obviously didn't happen, and we learned some very painful mistakes as a Congress, and I hope those of you who remain on the committee will remember those painful mistakes. We can make mistakes doing things too rapidly. We made a lot of mistakes in this program.

But the thing I want to most compliment the Armed Services Committee for, and particularly the Seapower Committee, was, when we recognized those mistakes, we admitted them and we went as far as to threaten to cancel the program if it wasn't corrected. I think those threats and, again, the phenomenal work of Secretary Stackley and Secretary Mabus in holding the vendors' feet to the fire, the economic circumstances of our Nation where people need work, the fact that the Navy needs the ships, that the frigates that these ships will replace are getting to the end of their useful life, and, again, the willingness of all the members on both sides of the aisle to hold these vendors accountable was the key element in turning this program around.

So, again, I want to thank future Chairman AKIN, former Chairman BARTLETT, Mr. WITTMAN, Mr. KAGEN, Mr. BONNER, Mr. STUPAK, Ms. BALDWIN, and Mr. CONAWAY for being cosponsors of this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR) that the House suspend the rules and pass the bill, H.R. 6494, 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.

CONGRATULATING CAMERON NEWTON ON WINNING THE 2010 HEISMAN TROPHY

Mr. ALTMIRE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1761) congratulating Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1761

Whereas Cameron Newton graduated from Westlake High School in College Park, Georgia, in 2007;

Whereas Cameron Newton became Auburn University's starting quarterback in 2010;

Whereas Cameron Newton became the first player in Southeastern Conference history and only the eighth player in National Collegiate Athletic Association Football Bowl Subdivision history to achieve over 2,000 yards passing and over 1,000 yards rushing in a single season;

Whereas the Auburn University football team finished the regular season with a 12–0 record;

Whereas the Auburn University football team won the Southeastern Conference Championship game by a score of 56 to 17 over the University of South Carolina;

Whereas Cameron Newton accounted for 6 touchdowns, 4 passing and 2 rushing, in the Southeastern Conference Championship game;

Whereas the Auburn University football team is ranked number one in both the Bowl Championship Series and Associated Press rankings;

Whereas Cameron Newton was named the Southeastern Conference Offensive Player of the Year for 2010;

Whereas Cameron Newton was named the Walter Camp Football Foundation Player of the Year for 2010;

Whereas Cameron Newton received the Maxwell Award for the Collegiate Player of the Year in 2010; and

Whereas Cameron Newton was named the 76th winner of the 2010 Heisman Memorial Trophy for the most outstanding college football player in the United States: Now, therefore, be it

Resolved, That the House of Representatives congratulates Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. ALTMIRE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1761 into the RECORD.

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

There was no objection.

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

Madam Speaker, as a member of the Higher Education Subcommittee, I rise today in support of House Resolution 1761, which congratulates Auburn University quarterback and College Park, Georgia, native Cam Newton on winning the 2010 Heisman Memorial Trophy.

Each year, the most outstanding college football player in the United States is recognized by the Heisman Committee. Mr. Newton has earned the 76th such distinction this year.

Cam Newton was selected as winner of the Heisman Memorial Trophy last Saturday, December 11, live from Times Square. He became the third Auburn Tiger to win the Heisman, joining 1971 winner Pat Sullivan and 1985 winner Bo Jackson, and he is the 31st college quarterback to win the Heisman Trophy.

Mr. Newton became Auburn University's starting quarterback just this season, and with one very big game remaining, he has so far completed 165 of his 246 passes for 2,589 yards and 28 touchdowns. Additionally, he rushed 242 times for 1,409 yards and 20 more touchdowns. Both Newton's passing and rushing touchdown totals are the best in Auburn University's history, and he becomes only the third NCAA major college player in history to have more than 20 rushing and passing touchdowns in the same season.

While leading the Auburn Tigers to an undefeated 13–0 regular season, Mr. Newton was also named the Southeastern Conference Offensive Player of the Year and led his team to a number one ranking and an appearance in the January 10 BCS championship game. He was one of the four finalists for the 2010 Heisman Trophy, and he was awarded that trophy in a well-deserved landslide victory. For his outstanding performance, Cam Newton was officially honored at the 76th annual Heisman Memorial Trophy Award Dinner in New York last Monday evening.

Madam Speaker, I would like to thank Representative ROGERS, who represents Auburn University, and Representative LEWIS, who represents Cam Newton's hometown, for sponsoring this resolution and, once again, express my congratulations and the congratulations of everyone in this House to Cam Newton as the 2010 Heisman Trophy winner and wish him continued success. I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

Mr. ROGERS of Alabama. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 1761, a resolution congratulating Auburn University quarterback and College Park, Georgia, native Cam Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in America.

I would like to thank everyone that came together to bring this resolution to the floor today, including the leadership of both sides, the Committee on Ed and Labor, and especially Mr. LEWIS of Georgia.

Madam Speaker, Cam Newton is from College Park, Georgia, outside Atlanta, and went to Westlake High School in Mr. LEWIS' congressional district. From there, he came to Auburn University in my congressional district earlier this year. Cam quickly became a starting quarterback.

From his first few games with Auburn, it was easy to see that, standing at 6–6 and 250 pounds, Cam was no ordinary quarterback. He could rush, throw, and even catch touchdowns from anywhere on the field. If the ball was in his hands, he was a threat to score.

Needless to say, Cam has set many records in his long list of statistics that are downright unbelievable. If you saw his incredible performance against LSU, Cam had a 49-yard run for a touchdown, the miraculous comeback to win in the Iron Bowl in the second half after trailing 24–0, or, with 16 seconds left in the first half of the SEC

championship, the Hail Mary pass into the end zone for an unbelievable catch by Darwin Adams, then you have seen why Cam is such a driving force for the Auburn Tigers and why he won the Heisman Trophy.

The one statistic that counts most to Cam and most of the fans at Auburn is the undefeated record of 13–0, and in a few short weeks he will play for the BCS championship. And, by the way, if the gentleman from Eugene, Oregon, is here, watch out.

Madam Speaker, in Alabama, we live and breathe SEC football. Saturdays in the fall are spent with family and friends watching your favorite team. Regardless of who your team is, you can't deny that Cam Newton is the best college football player in America in 2010.

To Cam and the entire Auburn University football team, I say congratulations and you deserve it. And to everyone else, I say War Eagle!

With that, I yield to my friend and colleague from Alabama, Spencer Bachus, such time as he may consume.

Mr. BACHUS. I thank the gentleman from Alabama for yielding to me, and I thank he and Mr. LEWIS for bringing this resolution.

On the way over to the floor, I was on the elevator with two of my colleagues, JOHN CULBERSON and JO ANN EMERSON, the gentleman from Texas and the gentlelady from Missouri, and they both had the same comment when I told them I was coming to speak about Cam Newton. They said: He is a phenomenal athlete, but he gave glory to God and he persevered.

I think that Cam Newton is a reflection of each and every one of us. Hardship and difficulty is a part of life; either we have experienced it or we will experience it.

□ 1100

We have seen Cam Newton and his family go through a challenging time; and, in doing so, he was not distracted. He persevered. He maintained a positive attitude. I think we have all seen his winning smile, a wonderful smile, and that smile sustained him and I think encouraged a lot of us through some pretty difficult times. In fact, I think he used some of the criticism and some of the difficulty and some of the challenges as a motivation. He appeared to even play better on the field.

He is a phenomenal athlete. In many respects, he is almost superhuman in what he does; but in another respect, he is very human. And the one thing that I think is a story for each and every one of us, and I think Cam Newton is a great example, is that throughout it all, he expressed his faith—his faith in God and his faith that God would see him through.

You know, our God is a God of second chances, a God of redemption; and I think it is important for us, when we think about Cam Newton, to think about a young man that improved himself, that did better, that resolved to learn from the experiences he had.

To me, Cam is an inspiration, and he ought to be an inspiration to each and every one of us, any of us that, for whatever reason, find ourselves in a difficult or challenging situation, not to strike back at our critics, but simply to use it as a motivation.

In such times that we do face difficulty, it is important to surround ourselves with good people, people that can be mentors and encouragers. He found that in the Auburn team. He expressed that in his Heisman speech, that his teammates were a big part of his success and had encouraged him. They had not lost faith in him.

I believe the coaching staff and the atmosphere at Auburn University provided a loving environment, an encouraging environment. I commend coach Gene Chizik for believing in Cam, for giving Cam an opportunity to better himself and to prove himself. As a graduate of that school, I am proud of Auburn University for providing support and encouragement to Cam.

Last year, I introduced a resolution congratulating Mark Ingram, another fine young man who preceded Cam Newton in winning the Heisman Trophy. Mark Ingram and the University of Alabama played for and won the national championship. Auburn University will try to attain that same goal.

Mark Ingram from Alabama and Cam Newton from Auburn highlight a very special relationship in our State of Alabama between our two finest universities. They compete on the field. They compete intensely. The fans come together, both wanting to win, but they take pride in the fact that our State and our universities do have a competitive spirit, but also a spirit of friendship.

I can tell you that the people of Alabama take great pride in our State in the fact that two of our finest universities have won consecutive Heisman Trophies and are competing for consecutive national championships. It once again highlights what is a wonderful, intense, and enjoyable competition that our two schools in Alabama have. It is another reason why I am proud to call Alabama my home.

In closing, again I thank the gentleman from Anniston, Alabama (Mr. ROGERS) who represents Auburn University well, and I say that to you as an alumnus of Auburn University. You are a credit to our university.

Mr. ROGERS of Alabama. With that, Madam Speaker, I would just urge a favorable vote by my colleagues and yield back the balance of my time.

Mr. ALTMIRE. Madam Speaker, I would recognize also the other three finalists for the Heisman Trophy and the schools, Oregon, Boise State, and Stanford. Congratulations on great seasons. But without question, Cam Newton deserved the award. He is the best player in college football. We wish him continued success and congratulations.

Mr. ADERHOLT. Madam Speaker, I would like to take this opportunity to voice my support for H. Res. 1761 and commend a young man on an outstanding season of college football.

Cameron Newton came to Auburn in January as a transfer student from Blinn Junior College. After going through a spirited competition to decide the starting quarterback position in spring training he was awarded the job.

Fans were wowed, including my 11-year-old daughter Mary Elliott, with his three passing touchdowns and two rushing touchdowns in Auburn's first game this season. From that point on Mr. Newton continued to lead Auburn through a magical, undefeated regular season and a victory in the SEC championship game over the University of South Carolina. Just as he had started the season Cam concluded it with six touchdowns, two rushing and four passing.

By winning the 2010 Heisman Trophy, Newton joins other Heisman winners from the State of Alabama—Mark Ingram of Alabama and Pat Sullivan and Bo Jackson from Auburn.

The State of Alabama has been blessed with great college football tradition and Cam Newton and Auburn University have continued that legacy with all of their accomplishments this season.

Mr. DeFAZIO. Madam Speaker, as a matter of principal, I do not support sports-related hortatory resolutions. My constituents have insisted that chronic unemployment and the lagging economy be addressed by Congress; and yet sporting accomplishments have foolishly taken precedence on Capitol Hill. My "present" vote on H. Res. 176I does not connote any ill feelings toward Heisman Trophy winner Cameron Newton or the Auburn University athletic program. I appreciate the hard work and dedication exhibited by student athletes like Cameron Newton. However, I do not think that airing such appreciation on the House floor is the wisest use of time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 1761.

The question was taken.

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

Mr. ALTMIRE. 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.

FOR THE RELIEF OF SHIGERU YAMADA

Ms. CHU. Madam Speaker, I move to suspend the rules and pass the bill (S. 4010) for the relief of Shigeru Yamada.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 4010

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

(e) 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 Senate 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 (Ms. CHU) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. I ask unanimous consent that all Members have 5 legislative days 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.

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

S. 4010 is an immigration relief bill for Shigeru Yamada. The House passed a substantially identical version of this bill by voice vote in the 110th Congress, but the Senate was unable to take up the measure. I am pleased to see that the House will have an opportunity to vote on final passage today.

Shigeru was brought to the United States from Japan when he was 10 years old. Together with his mother and his two sisters, Shigeru entered the country on a non-immigrant visa and remained in the United States for over 3 years on his mother's student visa. During this period, Shigeru's mother became engaged to a U.S. citizen. Had she married her fiance, she and her children would have been able to obtain lawful permanent residence in the country. However, in September 1995, when Shigeru was only 13 years old, his mother was killed in a car accident.

After his mother's death, Shigeru and his sisters were raised by their maternal aunt and uncle in Chula Vista, California. Shigeru's natural father was an alcoholic who was physically abusive to Shigeru, his sisters, and their mother. There was no other viable caretaker in Japan.

Shigeru's aunt attempted to formally adopt him, but was unable to complete the adoption before his 16th birthday. Under current immigration law, virtually all adoptions of foreign children by U.S. citizens must be completed before the child's 16th birthday in order for the child to qualify for legal status in the United States. Although Shigeru's sisters obtained legal status through adoption and marriage, Shigeru continued to reside here without such status.

In the meantime, Shigeru became a model student, graduating from Eastlake High School with honors in 2010. At Eastlake, he served on student government, participated in numerous community service activities, and excelled at football and wrestling. He was an All-American Scholar and was named Outstanding English Student his freshman year. He was also voted the Most Inspirational Player of the Year in various sports, both at the junior varsity and varsity level. He served as vice president of the associated student body his senior year.

Shigeru also volunteered to coach the Eastlake High School softball team and obtained an associate's degree from Southwestern Community College.

□ 1110

It is through no fault of his own that Shigeru was raised in the United States without legal immigration status. Shigeru's mother died before she could regularize his status, and adoption proceedings by his aunt were completed too late to affect his immigration status. S. 4010 presents the only option for Shigeru to remain in the United States.

I commend Representative BOB FILNER and Senator DIANNE FEINSTEIN, who each introduced their first private immigration bill on Shigeru's behalf back in the 108th Congress. I would also like to recognize Judiciary Committee Chairman John Conyers, Immigration Subcommittee Chairwoman Zoe Lofgren and Judiciary Committee Ranking Member Lamar Smith for their help in moving this bill to the floor today.

I urge my colleagues to support this important legislation.

U.S. DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT,

Washington, DC, Aug. 27, 2009.

Hon. ZOE LOFGREN,

Chairwoman, Subcommittee on Immigration, Citizenship, Refugees, Border Security, & International Law, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: In response to your request for a report relative to H.R. 698, private legislation for the relief of Shigeru Yamada, enclosed is a memorandum of information concerning the beneficiary.

The bill provides that the beneficiary shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of the Immigration and Nationality Act or for adjustment of status to lawful permanent resident.

We hope the information provided is useful. Please do not hesitate to call me if you have additional questions.

Sincerely,

ELLIOT WILLIAMS,

Director.

DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT MEMORANDUM OF INFORMATION FOR H.R. 698 111TH CONGRESS

Shigeru YAMADA (A 97 476 166) is the beneficiary of H.R. 698, private legislation introduced by Congressman Filner on January 26, 2009. Sen. Diane Feinstein introduced a companion bill in the Senate, S. 124, on January 6, 2009. Sen. Feinstein previously introduced S. 418, in the 110th Congress, S. 111 in the 109th Congress and S. 2548 in the 108th Congress, identical bills to benefit Mr. Yamada. Congressman Filner introduced an identical bill, H.R. 2760 in the 110th Congress, which was passed by the House of Representatives, but not acted upon by the Senate.

On May 7, 2009, an ICE Special Agent interviewed YAMADA for the purpose of updating information contained in previous reports to the Senate Judiciary Committee, Subcommittee on Immigration, Refugees, and Border Security. The beneficiary, Shigeru YAMADA, a native and citizen of Japan, was born on March 26, 1982, in Japan. On March 27, 1992, YAMADA entered the United States as a non-immigrant visitor along with his mother and two sisters. Shortly after their entry, YAMADA's mother changed her non-immigrant status from a visitor to that of a student. YAMADA resided with his mother and two sisters until his mother passed away in an automobile accident on September 15, 1995. YAMADA then went on to live with his maternal aunt, Kumsook Jae in the San Diego area until January, 2003.

YAMADA graduated form Eastlake High School in June, 2000, and then went on to earn an Associates degree from Southwestern College in June, 2005. YAMADA is currently employed at the San Diego Lasik Institute as a Lasik Coordinator and earns approximately $50,000.00 per year. YAMADA has been employed at his current location since January, 2008. Prior to this employment, YAMADA worked as a sales associate at Nordstrom Department Store in San Diego, CA from September, 2004, until October, 2007.

On May 8, 2009, the National Crime Identification Center (NCIC) and Central Index Identifier were queried for criminal histories on beneficiary Shigeru YAMADA. NCIC revealed YAMADA had been issued

FBI#386666EC7 on May 10, 2004 after his arrest on April 26, 2004, by the U.S. Border Patrol in San Diego, CA. YAMADA was issued a Notice to Appear for Removal Proceedings by the U.S. Border Patrol for having violated the terms of his entry into the United States. These proceedings were terminated without prejudice on June 15, 2004. Mr. YAMADA was granted deferred action on July 8, 2004, as a matter of prosecutorial discretion.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to support this legislation. Shigeru Yamada was born in Japan in 1992. When Shigeru was 10 years old, his mother brought him to the United States as a dependent on her student visa. In 1995 when Shigeru was 13 years old, his mother was killed in a car accident.

At the time of her death, Shigeru's mother was engaged to be married to an American citizen. If his mother had survived and in fact married the U.S. citizen, Shigeru would have obtained legal permanent resident status through her. Shigeru's natural father was an alcoholic and physically abusive to Shigeru's mother and the siblings. After the mother's death, Shigeru and the siblings were raised by an aunt in Chula Vista, California.

Although Shigeru's aunt attempted to formally adopt Shigeru, the adoption was not completed before the 18th birthday. Under current immigration law, Shigeru would have had to have been adopted before the age of 16 to obtain legal immigration status in the United States. Shigeru's younger sibling was adopted by another family while another sibling was married to an American citizen. Shigeru attended Eastlake High School and graduated with honors in 2000.

This bill easily fits within the modern-era private immigration bill precedent. Private immigration bills have been enacted where the foreigners, the aliens, have been abandoned by their parents or the parents had died. As this bill is consistent with private immigration bill precedent, and the Department of Homeland Security report revealed no adverse information about the beneficiary, I urge my colleagues to support it.

Ms. ZOE LOFGREN of California. Madam Speaker, Shigeru Yamada was brought to the United States from Japan when he was 10 years old. He entered the country on a nonimmigrant visa with his mother and his two sisters, and remained here on his mother's student visa for over 3 years. Although his mother became engaged to a U.S. citizen, which would have resulted in lawful permanent resident status for Shigeru and his sisters, tragedy prevented this from coming to pass. When Shigeru was 13 years old, his mother was killed in a car accident, and he and his siblings were taken to live with their maternal aunt and uncle in Chula Vista, California.

When Shigeru's aunt attempted to formally adopt him, she was unable to complete the process before he turned 16 years old. Under current immigration law, virtually all adoptions of foreign children by U.S. citizens must be completed before the child's 16th birthday in order for the child to qualify for legal status in the United States. Although Shigeru's sisters obtained legal status through adoption and marriage, Shigeru continued to reside here without such status.

Despite these difficulties, Shigeru shined. He graduated with honors in 2000 from Eastlake High School, where he served on student government, participated in numerous community service activities, and excelled at football and wrestling. He was an All-American Scholar and was named "Outstanding English Student" his freshman year. He was also voted the "Most Inspirational Player of the Year" in various sports, both at the junior-varsity and varsity level. He served as vice president of the associated student body his senior year. Shigeru later obtained an associate's degree from Southwestern Community College.

Shigeru's story highlights so many things that are wrong with our current immigration system. First, Shigeru is just the type of young person who would benefit from the DREAM Act, which passed the House with bipartisan support 1 week ago today. More importantly, America is just the country that would benefit from providing Shigeru a path to lawful status, so that he could continue to excel and serve as a model to all those around him.

Second, Shigeru's story highlights the nonsensical inflexibility of our international adoption rules. Earlier this summer, the House passed H.R. 5532, the International Adoption Harmonization Act of 2010. H.R. 5532 would harmonize our international adoption rules by setting the uniform deadline by which all adoptions must be finalized at a child's 18th birthday. One purpose of H.R. 5532 is to ensure that when a child is legally adopted by U.S. citizen parents between the child's 16th and 18th birthdays, the child is permitted to remain with his or her parents in the United States. The need for this commonsense piece of legislation was demonstrated by the many private immigration laws enacted by previous Congresses to provide exactly this form of relief to just those individual children who came to our attention—bills just like the one before us today. H.R. 5532 remains stalled in the Senate, which represents a real failure to protect American families and adopted children.

I remain hopeful that our Senate colleagues on both sides of the aisle will recognize that passage of the DREAM Act and H.R. 5532 are both in America's best interest. But under current law, S. 4010 represents the only option for Shigeru Yamada to remain in the United States, the country that he rightly calls home.

Mr. FILNER. Madam Speaker, I'd like to thank Senator FEINSTEIN, the Senate and House Judiciary Committees, Chairman CONYERS, and Chairwoman LOFGREN for their leadership in the passage of S. 4010, a bill for the relief of Shigeru Yamada, an extraordinary young man who is in danger of being deported back to Japan, despite living here for most of his life. Shigeru came to the U.S. legally in 1992 at the age of 10 with his mother and two younger sisters. In 1995, when Yamada was 13 years old, his mother was tragically killed in a car accident. Yamada and his sisters were suddenly orphaned, and due to a change in immigration laws, were stripped of their legal status. Notwithstanding personal adversities, Yamada excelled in high school where he was active in sports, student government, and the community, while maintaining almost a 4.00 GPA. Yamada has attended Southwestern College and is a model member of the Chula Vista, California community. His two younger sisters were able to become citizens. One married a U.S. citizen and the other one was adopted by family members. The family tried to adopt Shigeru, but they were not successful. Yamada does not have any family or home in Japan. His mother's side of the family is Korean which makes it extremely difficult for him to integrate into Japanese society. He would be virtually unemployable in Japan because he does not speak, read, or write Japanese. His situation shows that he would suffer extreme hardship if forced to return to Japan. The passage of this bill brings justice one step closer to Yamada. We want and need more people like Shigeru in our country and he deserves the opportunity to become a permanent U.S. citizen. Once again, I'd like to thank the leadership for passage of this critical bill.

Mr. POE of Texas. I yield back the balance of my time.

Ms. CHU. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, S. 4010.

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

A motion to reconsider was laid on the table.

FOR THE RELIEF OF HOTARU NAKAMA FERSCHKE

Ms. CHU. Madam Speaker, I move to suspend the rules and pass the bill (S. 1774) for the relief of Hotaru Nakama Ferschke.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1774

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

SECTION 1. PERMANENT RESIDENT STATUS FOR HOTARU NAKAMA FERSCHKE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Hotaru Nakama Ferschke shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Hotaru Nakama Ferschke enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Hotaru Nakama Ferschke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) 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 Senate 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 (Ms. CHU) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

S. 1774 is an immigration relief bill for Hotaru Nakama Ferschke. By now the story of Mrs. Ferschke and her late husband, Marine Sergeant Michael H. Ferschke, Jr., should be well known to Members of the House.

The couple met in March 2007 when Sergeant Ferschke was stationed at Camp Schwab in Okinawa, Japan. They dated for more than 1 year before Sergeant Ferschke was deployed to Iraq. Shortly before his departure, they learned that they were going to have a baby. They spoke about getting married, moving back to the United States, and raising a family together.

Two months after arriving in Iraq, they were married through a ceremony conducted over the telephone. But just 1 month later, Sergeant Ferschke tragically lost his life in combat.

The United States military recognizes the couple's marriage for purposes of providing Mrs. Ferschke with a death gratuity. But our immigration laws recognize only proxy marriages that have been consummated, something this couple was never able to do following the marriage. As a result, Mrs. Ferschke has been unable to move to the United States on an immigrant visa, and her hopes of raising their son with the love and support of Sergeant Ferschke's family have been thwarted.

Last month, the House passed H.R. 6397, the Marine Sergeant Michael H. Ferschke, Jr. Memorial Act. The purpose of that bill was to fix Mrs. Ferschke's situation and to ensure that no other family is left in a similar situation. Because that bill remains stuck in the Senate, a relief bill for Mrs. Ferschke is the only way to right this wrong.

I commend Senators WEBB, ALEXANDER, CORKER, and UDALL for introducing this bill in the Senate, and Representative JOHN DUNCAN for his work on a companion bill in the House. I would also recognize Judiciary Committee Chairman JOHN CONYERS, Immigration Subcommittee Chairwoman ZOE LOFGREN, and Judiciary Committee Ranking Member LAMAR SMITH for helping to move this bill to the floor.

I urge my colleagues to support this important legislation.

U.S. DEPARTMENT OF HOMELAND SECURITY,
Washington, DC., March 5, 2010.

Hon. ZOE LOFGREN,
Chair, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MADAM CHAIR: In response to your request for a report relative to H.R. 3182, private legislation for the relief of Hotaru Nakama Ferschke, enclosed is a memorandum of information concerning the beneficiary. This report is an update of one previously provided your committee on February 26, 2010, revised to reflect additional information provided by your staff.

The bill provides that the beneficiary shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of the Immigration and Nationality Act or for adjustment of status to lawful permanent resident.

We hope the information provided is useful. Please do not hesitate to call me if you have additional questions.

Sincerely,

ELLIOT WILLIAMS,
Director.

DEPARTMENT OF HOMELAND SECURITY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
MEMORANDUM OF INFORMATION FOR H.R. 3182, 111TH CONGRESS

On July 10, 2009, Rep. John Duncan (R–TN) introduced H.R. 3182, private legislation to provide immigration relief for Mrs. Hotaru Ferschke. This is the first private bill filed on her behalf.

The beneficiary is the widow of Michael Harvey Ferschke, Jr., a United States Marine who was killed-in-action August 10, 2008, as a result of a gunshot wound received as a member of a dismounted patrol that was conducting combat operations in Tikrit, Iraq. Mr. Ferschke passed away before an I–130 immediate relative petition could be filed on Ms. Ferschke's behalf.

Mrs. Hotaru Ferschke was born on October 20, 1983, and is a native and citizen of Japan. Mrs. Hotaru Ferschke has entered the United States 3 times as a temporary visitor. She entered the United States on December 12, 2007, August 15, 2008, and February 27, 2009. Each time she came to the U.S. she complied with the terms of her visa and departed before her visa expired. Ms. Ferschke has never been placed in removal proceedings or ordered removed.

Mrs. Hotaru Ferschke met her husband while he was stationed at the U.S. Marine base in Okinawa, Japan. They traveled to the United States from December 22, 2007, through December 30, 2007, for the Christmas holiday, where she met Michael's parents, Mr. Michael H. Ferschke, and Mrs. Robin Ferschke. When Michael Ferschke, Jr. received orders to deploy to Iraq, Hotaru, who was pregnant, remained in Okinawa. Michael Ferschke Jr. and Hotaru Nakama were married via teleconference on July 10, 2008, while he was in Iraq and she was in Japan. One month later, Michael was killed during Operation Iraqi Freedom in support of the Global War on Terrorism.

On August 15, 2008, Mrs. Hotaru Ferschke returned to the United States to attend the funeral for her late husband in Maryville, Tennessee. She returned to Okinawa on August 31, 2008.

On January 9, 2009, Mrs. Hotaru Ferschke gave birth to a son, Michael Harvey Ferschke III at the Chatan Hospital, Okinawa, Japan, and on February 27, 2009, she brought her newborn son to the United States. When in the United States, they reside with her late husband's parents in Tennessee. Neighbors have welcomed Hotaru and her new son into the community.

Mrs. Ferschke is the daughter of Mr. Masaaki and Mrs. Takako Nakama, both of whom are natives and citizens of Japan. Mrs. Hotaru Ferschke resides with her mother and grandmother, Mitsu Shinzato. Mrs. Hotaru Ferschke is one of four children, between sisters, Madoka Kudaka and Reika Nakama and her half-sister NaNami Nakama. Mrs. Hotaru Ferschke attended Okinawa Christian Junior College where she majored in English.

Mrs. Hotaru Ferschke is currently employed as an Administrative Specialist with the United States Army's 83rd Ordnance Battalion CASB, Kadena Air Base Okinawa, Japan where she has been employed since August 2007. Prior to her employment with the 83rd Ordnance Battalion she was employed at the Camp Courtney Commissary, Unit 5156, as a sales clerk. Her annual salary is estimated to be $24,000.00 per year.

Mrs. Hotaru Ferschke has seen substantial support from the community here in the United States. Mrs. Hotaru Ferschke is not employed in the United States. She is a new member of the American Widows Project, a support group for the wives and husbands of fallen U.S. soldiers. Record checks concerning criminal activity with U.S. Federal, state, and local law enforcement agencies revealed no derogatory information. Commercial databases revealed no known debts or encumbrances, foreign or domestic. Inquiries with neighbors of Mr. Michael H. Ferschke and Mrs. Robin Ferschke regarding Hotaru Ferschke revealed no derogatory information.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I am pleased to support this bill, and I would like to yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN) for all of his efforts on companion legislation.

Mr. DUNCAN. Madam Speaker, I thank the gentlewoman from California (Ms. CHU) and the gentleman from Texas (Mr. POE) for their work in bringing this bill to the floor at this time.

As has been described, this is a private relief bill attempting to allow the young widow of a marine who was killed in combat in Iraq to bring the couple's young son and come to live with the marine's family in the State of Tennessee in my district.

While everyone has supported this bill every step of the way, it has run into some technical or procedural difficulties that have delayed it until this point. As has previously been stated, I would like, as Ms. CHU did, to thank particularly Senator ALEXANDER and Senator WEBB who have taken such a personal interest in this bill on the Senate side, and I would like to once again thank the House for passing the general bill last month.

Mrs. Ferschke, the mother of this soldier, first came to see me about this in December of 2008. Early in this Congress, we introduced a private relief bill. It took a few months to get the necessary information and complete the required paperwork, but this private bill was taken up by the Subcommittee on Immigration in the Judiciary Committee on July 23, 2009. At that time it received the support of both Chairwoman LOFGREN and Ranking Member KING, both of whom I would also like to thank. However, at that point there were some objections to doing private bills in the other body, and so at the direction of the staff of the Judiciary Committee, both majority and minority, we attempted to do an amendment to the Defense bill. However, some of the people on the Rules Committee, while supporting the bill, did not feel it was germane to the Defense bill, which we also had to agree with, but we were doing that at the direction of others. But I also would like to thank the gentleman from Massachusetts (Mr. MCGOVERN) because hearing about this at the Rules Committee, he took a special and personal interest in this bill also.

We then introduced a general bill, once again working with the staff of the Judiciary Committee, whom I would also like to thank. That bill was passed last month in the House, but we ran into some objections here, and that is why we are back here today on this private relief bill.

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Hotaru Ferschke, as has been stated, is the widow of the late Sergeant Michael Ferschke of the U.S. Marine Corps. She was born on October 20, 1983, in Okinawa, Japan. In March 2007, as Ms. CHU said, when Sergeant Ferschke was stationed in Okinawa, he met her at a mutual friend's party. They dated for more than a year before Sergeant Ferschke was deployed to Iraq in April 2008. Shortly before Sergeant Ferschke deployed, the couple learned that Hotaru was pregnant. Sergeant Ferschke's parents and members of his military unit in Iraq have attested to the fact that the couple already had planned to marry before Hotaru became pregnant and had decided to live and raise their future family in the United States.

The couple was married by proxy, by telephone, by a military chaplain in July of 2008 while Sergeant Ferschke was in Iraq. But 1 month later, in August of 2008, Sergeant Ferschke was killed in combat. Although the marriage is legally valid and recognized by the military, in order for Mrs. Ferschke to be recognized as Sergeant Ferschke's spouse for immigration purposes, the marriage itself would have had to have been consummated. Under the circumstances, this wasn't possible. The law makes no allowance to the fact that Mrs. Ferschke was already pregnant with her husband's child before the marriage ceremony took place.

I could go on and tell additional details, but I'll just leave those for the statement that I have and say that this is something that I think everyone has wanted to support all through this, and it is a great moment for this family to hopefully finally complete this at this time at the tail end of this Congress. And so I urge my colleagues to support this very worthwhile legislation.

Ms. CHU. Madam Speaker, I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I strongly support this legislation. I once again want to thank the gentleman from Tennessee (Mr. DUNCAN) for his efforts in this. It's a perfect example of how, if there's a problem, an issue with a constituent in a congressional district, the gentleman from Tennessee took the bull by the horns, so to speak, and solved this problem and brought it before the attention of Congress in an effort to resolve this problem.

I am pleased to support this bill for Hotaru Ferschke and would like to thank JOHN DUNCAN for all his efforts on her behalf. Hotaru is the widow of the late Sgt. Michael Ferschke (U.S. Marine Corps). She was born in Okinawa, Japan, and met Sgt. Ferschke there in 2007, where he was stationed at USMC Camp Schwab. They dated for more than a year before Michael was deployed to Iraq in 2008.

Shortly before Michael was deployed to Iraq, the couple learned that Hotaru was pregnant. They had planned to marry before she became pregnant. Michael and Hotaru were married "by proxy" via telephone on July 10, 2008, while Sgt. Ferschke was in Iraq. They were never able to see each other after their marriage because Michael was killed in combat on August 10, 2008. Hotaru gave birth to Michael Ferschke, III on January 7, 2009. Michael is a United States citizen.

Normally, the Immigration and Nationality Act would allow Hotaru to receive her green card, despite the death of her husband. The INA provides that "in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death . . . if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by combat, the alien . . . shall be considered . . . to remain an immediate relative after the date of the citizen's death. . . ."

However, the INA also provides that the term spouse "does not include a spouse . . . by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated." Thus, the Ferschke's marriage is not recognized for immigration purposes because it was never consummated.

This provision, enacted in 1952, was designed to prevent marriage fraud. However, according to the U.S. Embassy in Seoul, Korea, it is clear that the Ferschke's relationship was bona fide.

While there is no precedent for such a private bill, the case seems to be relatively unique and meritorious. There is no indication that there was any fraud associated with the Ferschke's marriage.

I urge my colleagues to support this bill. Let us pay honor to the memory of Michael Ferschke and grant his widow a future in the U.S.

Ms. ZOE LOFGREN of California. Madam Speaker, as Chairwoman of the House Immigration Subcommittee, I first learned about Hotaru Ferschke and her late-husband, Marine Sergeant Michael H. Ferschke, Jr., when the Subcommittee formally met to consider H.R. 3182, a private immigration bill introduced by Representative JOHN DUNCAN. The Ferschke case highlighted a little-known provision in our immigration laws, which states that when a marriage takes place between two persons who cannot both be physically present during the ceremony, the marriage is not valid unless and until it is consummated. The provision allows no exceptions, even where the bona fides of the marriage is recognized for other purposes and consummation of the relationship prior to marriage can be demonstrated beyond a shadow of a doubt.

Last month, I joined Representatives DUNCAN, JIM MCGOVERN, and LAMAR SMITH in offering H.R. 6397, a bill that would amend this provision of our immigration laws to account for situations—like the one presented here—where the failure to consummate such a marriage was the result of service abroad in the United States Armed Forces. I was pleased that the House passed that bill by voice vote, but we now must await final passage in the Senate.

In the meantime, S. 1774 provides the only means by which Hotaru Ferschke will be able to obtain lawful permanent residence in the United States, so that she may raise her son—Mikey—in the country for which his father gave his life.

Moreover, as the House is poised to pass the first private immigration bills that will be sent to the President in 6 years, it is worth making some brief remarks about such bills more generally. Private legislation is perhaps the narrowest, most targeted form of relief that Congress can provide. Private immigration bills have long been recognized as necessary in compelling circumstances where the inflexible application of existing law would lead to extraordinary hardship. Such bills also can help Congress identify systemic problems with our laws.

This country has a long history of passing private immigration legislation. According to the Congressional Research Service, from 1936–2004, at least one private immigration law was enacted in each Congress. During the Cold War, Congress enacted well over 1,000 private immigration laws.

This long history came to a grinding halt in the 109th Congress, when Congress failed to enact a single private immigration law. The same was true of the 110th Congress and, until just recently, the 111th.

The Senate's passage of the two immigration relief bills before us today—S. 4010 and S. 1774—is therefore important not only for the two beneficiaries of the bills and their family members, but also for the private bill process itself. Our immigration laws are broken—there can be no doubt about that—and I am a firm believer that those laws must be reformed. But even a perfect set of laws will occasionally result in cases of extraordinary hardship, for which an individual exception to the law may be necessary. Private immigration relief bills have played a significant role in our history, and I am hopeful that they will continue to play such a role after today's important votes.

Mr. POE of Texas. I yield back the balance of my time.

Ms. CHU. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, S. 1774.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL PHYSICIAN ASSISTANT WEEK

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1600) supporting the critical role of the physician assistant profession and supporting the goals and ideals of National Physician Assistant Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1600

Whereas more than 75,000 physician assistants in the United States provide high-quality, cost-effective medical care in virtually all health care settings and in every medical and surgical specialty;

Whereas the physician assistant profession's patient-centered, team-based approach reflects the changing realities of health care delivery and fits well into the patient-centered medical home model of care, as well as other integrated models of care management;

Whereas approximately 47 percent of physician assistants currently practice in primary care and emergency medicine, regularly providing access to needed medical care to underserved populations such as frontier communities, rural towns, the urban poor, and at-risk groups (such as the elderly);

Whereas physician assistants practice in teams with physicians and extend the reach of medicine and the promise of improved health to the most remote and in-need communities of our Nation;

Whereas nearly 300,000,000 patient visits were made to physician assistants in 2009;

Whereas physician assistants may provide medical care, have their own patient panels, and are granted prescribing authority in all 50 States;

Whereas the physician assistant profession was created 40 years ago in response to health care workforce shortages and is a key part of the solution to today's health care workforce shortage;

Whereas the American Academy of Physician Assistants recognizes October 6–12, 2010 as National Physician Assistant Week; and

Whereas the physician assistant profession is positioned to be able to adapt and respond to the evolving needs of the health care system by virtue of—

(1) comprehensive educational programs that prepare physician assistants for a career in general medicine; and

(2) a team-based approach to providing patient-centered medical care: Now, therefore, be it

Resolved, That the House of Representatives supports—

(1) the critical role of the physician assistant profession for the significant impact the profession has made and will continue to make in health care; and

(2) the goals and ideals of National Physician Assistant Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

Madam Speaker, House Resolution 1600 recognizes the critical role of physician assistants in our health care system by designating October 6–12 of 2010 as National Physician Assistant Week.

Physician assistants, or PAs, practice in a collaborative setting with physicians, nurses, and other health care professionals to extend the reach of medical care to more patients. Their role helps patients have better access to high-quality medical care, particularly for underserved populations. Throughout the Nation, approximately 75,000 PAs provide high-quality and cost-effective care in various health settings. With the passage of health reform, millions of Americans will enter our health care system, and PAs will play a vital role in helping our healthcare workforce meet this challenge.

I want to applaud the leadership of Representative MCCOLLUM on this issue, and I would urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

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

As an original sponsor of this resolution, I rise in support of House Resolution 1600, supporting the critical role of the physician assistant profession and supporting the goals and ideals of National Physician Assistant Week. I would also like to thank Congresswoman BETTY MCCOLLUM of Minnesota for bringing to our attention the important services physician assistants provide and congratulate her for getting this resolution to the floor.

Physician assistants practice medicine under a physician's supervision. A PA's practice can include diagnostic, therapeutic, and preventive care. On any given day, a PA could prescribe medication, order and interpret x-rays, attend surgery, give advice to patients, and may also have supervisory responsibilities. A PA is supervised by a physician, but at facilities where the physician is present for only a few days each week, the PA may be a patient's principal health care provider. This increases the flexibility of the medical profession and ensures patients have access to quality care.

PAs in every State are required to pass the Physician Assistant National Certifying Examination. In order to take this exam, a candidate must be a graduate of an accredited PA program, which includes classroom, laboratory, and clinical training in several specialty areas. To maintain their certification, PAs must complete many hours of continuing medical education and a recertification examination. PAs are highly educated, highly trained, work extremely hard, and are a vital cog in our Nation's health care system. I hope all will join me in saluting our Nation's PAs for their commitment and dedication, and I urge your support for this resolution.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield such time as she may consume to the Congresswoman from Minnesota who is the sponsor of the bill, Ms. BETTY MCCOLLUM.

Ms. MCCOLLUM. I would like to thank Chairman WAXMAN and I would like to thank Representative PALLONE for their help with this bill, as well as my colleague on the other side of the aisle, Congressman TERRY.

House Resolution 1600 acknowledges the critical role of physicians assistants by designating a week in 2010 as National Physician Assistant Week.

Forty years ago, the position of PA was created in response to a national health care workforce shortage. Over 20 years ago, I had the honor and the privilege in Minnesota of helping to write the rules for PAs to function and provide health care in Minnesota. I was the consumer member on the board, and I had a great learning curve working with doctors, PAs, hospitals, health care clinics, and patients from all over Minnesota in making sure that PAs were able to address this workforce shortage. And today, they continue to be an integral part of our health care system, practicing in all health care settings and specialties.

□ 1130

Physician assistant service will be vital as more Americans, our health care system and we prepare for an aging population—the baby boomers. PAs work, as has been mentioned, side

by side with physicians, nurses and other professionals in providing high-quality, cost-effective health care. They work in rural and underserved communities and ensure patients can receive the care that they need when they need it.

I want to thank the physicians assistants and the American Academy of Physician Assistants for all the work that they do to care for patients and to keep America healthy.

Lastly, I sincerely want to thank my colleagues for their bipartisan support so we could bring this bill forward.

Thank you to Chairman WAXMAN again for bringing this resolution.

Mr. TERRY. Madam Speaker, I have no further requests for time.

I would be remiss on a resolution recognizing PAs not to recognize my brother-in-law's brother, Val, Val Valgora. He passed away several years ago. He was a PA back in the seventies. I had never heard of a physician assistant before. Val was instrumental in the State of Nebraska in expanding the use of physician assistants. He worked with the University of Nebraska Medical Center and then on to LSU to help create and expand the educational component for PAs. So, at least in the State of Nebraska, Val Valgora is one of our legendary PAs.

I just wanted to thank him and take this opportunity to recognize his accomplishments for the State of Nebraska.

I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1600, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL ALZHEIMER'S PROJECT ACT

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (S. 3036) to establish the Office of the National Alzheimer's Project.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3036

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Alzheimer's Project Act''.

SEC. 2. THE NATIONAL ALZHEIMER'S PROJECT.

(a) DEFINITION OF ALZHEIMER'S.—In this Act, the term ''Alzheimer's'' means Alzheimer's disease and related dementias.

(b) ESTABLISHMENT.—There is established in the Office of the Secretary of Health and Human Services the National Alzheimer's Project (referred to in this Act as the ''Project'').

(c) PURPOSE OF THE PROJECT.—The Secretary of Health and Human Services, or the Secretary's designee, shall—

(1) be responsible for the creation and maintenance of an integrated national plan to overcome Alzheimer's;

(2) provide information and coordination of Alzheimer's research and services across all Federal agencies;

(3) accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer's;

(4) improve the—

(A) early diagnosis of Alzheimer's disease; and

(B) coordination of the care and treatment of citizens with Alzheimer's;

(5) ensure the inclusion of ethnic and racial populations at higher risk for Alzheimer's or least likely to receive care, in clinical, research, and service efforts with the purpose of decreasing health disparities in Alzheimer's; and

(6) coordinate with international bodies to integrate and inform the fight against Alzheimer's globally.

(d) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, or the Secretary's designee, shall—

(A) oversee the creation and updating of the national plan described in paragraph (2); and

(B) use discretionary authority to evaluate all Federal programs around Alzheimer's, including budget requests and approvals.

(2) NATIONAL PLAN.—The Secretary of Health and Human Services, or the Secretary's designee, shall carry out an annual assessment of the Nation's progress in preparing for the escalating burden of Alzheimer's, including both implementation steps and recommendations for priority actions based on the assessment.

(e) ADVISORY COUNCIL.—

(1) IN GENERAL.—There is established an Advisory Council on Alzheimer's Research, Care, and Services (referred to in this Act as the ''Advisory Council'').

(2) MEMBERSHIP.—

(A) FEDERAL MEMBERS.—The Advisory Council shall be comprised of the following experts:

(i) A designee of the Centers for Disease Control and Prevention.

(ii) A designee of the Administration on Aging.

(iii) A designee of the Centers for Medicare & Medicaid Services.

(iv) A designee of the Indian Health Service.

(v) A designee of the Office of the Director of the National Institutes of Health.

(vi) The Surgeon General.

(vii) A designee of the National Science Foundation.

(viii) A designee of the Department of Veterans Affairs.

(ix) A designee of the Food and Drug Administration.

(x) A designee of the Agency for Healthcare Research and Quality.

(B) NON-FEDERAL MEMBERS.—In addition to the members outlined in subparagraph (A), the Advisory Council shall include 12 expert members from outside the Federal Government, which shall include—

(i) 2 Alzheimer's patient advocates;

(ii) 2 Alzheimer's caregivers;

(iii) 2 health care providers;

(iv) 2 representatives of State health departments;

(v) 2 researchers with Alzheimer's-related expertise in basic, translational, clinical, or drug development science; and

(vi) 2 voluntary health association representatives, including a national Alzheimer's disease organization that has demonstrated experience in research, care, and patient services, and a State-based advocacy organization that provides services to families and professionals, including information and referral, support groups, care consultation, education, and safety services.

(3) MEETINGS.—The Advisory Council shall meet quarterly and such meetings shall be open to the public.

(4) ADVICE.—The Advisory Council shall advise the Secretary of Health and Human Services, or the Secretary's designee.

(5) ANNUAL REPORT.—The Advisory Council shall provide to the Secretary of Health and Human Services, or the Secretary's designee and Congress—

(A) an initial evaluation of all federally funded efforts in Alzheimer's research, clinical care, and institutional-, home-, and community-based programs and their outcomes;

(B) initial recommendations for priority actions to expand, eliminate, coordinate, or condense programs based on the program's performance, mission, and purpose;

(C) initial recommendations to—

(i) reduce the financial impact of Alzheimer's on—

(I) Medicare and other federally funded programs; and

(II) families living with Alzheimer's disease; and

(ii) improve health outcomes; and

(D) annually thereafter, an evaluation of the implementation, including outcomes, of the recommendations, including priorities if necessary, through an updated national plan under subsection (d)(2).

(6) TERMINATION.—The Advisory Council shall terminate on December 31, 2025.

(f) DATA SHARING.—Agencies both within the Department of Health and Human Services and outside of the Department that have data relating to Alzheimer's shall share such data with the Secretary of Health and Human Services, or the Secretary's designee, to enable the Secretary, or the Secretary's designee, to complete the report described in subsection (g).

(g) ANNUAL REPORT.—The Secretary of Health and Human Services, or the Secretary's designee, shall submit to Congress—

(1) an annual report that includes an evaluation of all federally funded efforts in Alzheimer's research, clinical care, and institutional-, home-, and community-based programs and their outcomes;

(2) an evaluation of all federally funded programs based on program performance, mission, and purpose related to Alzheimer's disease;

(3) recommendations for—

(A) priority actions based on the evaluation conducted by the Secretary and the Advisory Council to—

(i) reduce the financial impact of Alzheimer's on—

(I) Medicare and other federally funded programs; and

(II) families living with Alzheimer's disease; and

(ii) improve health outcomes;

(B) implementation steps; and

(C) priority actions to improve the prevention, diagnosis, treatment, care, institutional-, home-, and community-based programs of Alzheimer's disease for individuals with Alzheimer's disease and their caregivers; and

(4) an annually updated national plan.

(h) SUNSET.—The Project shall expire on December 31, 2025.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

Madam Speaker, I rise in strong support of S. 3036, the National Alzheimer's Project Act, as amended.

Last week, the Subcommittee on Health in the Energy and Commerce Committee held a hearing on Alzheimer's disease and the many challenges associated with it.

Alzheimer's is an irreversible progressive brain disease that slowly destroys memory and thinking skills and eventually even the ability to carry out the simplest tasks. Alzheimer's can affect every part of the brain and rob its victims of their very lives and dignity, and it is fatal.

Alzheimer's is estimated to be the sixth leading cause of death in our country. The disease, which is estimated to affect as many as 5.1 million Americans, has a devastating impact, not just on families but on our national economy. It is projected that the national costs associated with caring for those with Alzheimer's exceeds $172 billion each year, with the figure expected to rise to $1 trillion by 2050. These costs represent the burden on Medicare, Medicaid, private insurance, caregiving, and out-of-pocket costs for families. Of this figure, $123 billion can be attributed to Medicare and Medicaid alone.

The National Alzheimer's Project Act will require the Secretary of Health and Human Services to create and maintain a national plan to overcome Alzheimer's disease. It will also create an advisory council on Alzheimer's research, care, and services.

I want to thank the sponsor of this legislation, Representative MARKEY, for his tireless leadership on this bill. He is also the co-chair of the congressional task force on Alzheimer's disease, and he works hard on all aspects of trying to find a cure and to do research with regard to Alzheimer's.

I urge my colleagues to support the National Alzheimer's Project Act today.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of S. 3036, the National Alzheimer's Project Act. Alzheimer's afflicts millions of Americans and their families and friends. It is a personal tragedy for both patients and everyone who loves them.

I had an opportunity to meet with the families during a support group just recently. I heard their stories about their loved ones slipping away with this form of dementia, and I heard their stories of the pressures and sadness it places on all of the families.

NIH estimates that approximately 5 million Americans have Alzheimer's disease, most of whom are over the age of 60. So there is a good chance that you or a friend of yours has a relative suffering from Alzheimer's.

Alzheimer's disease forces families and friends to watch as loved ones, once independent and vivacious, suffer personality changes, a loss of independence and severe memory loss, such that they view those close to them as strangers. As difficult as it is to watch, it is that much harder on the patients. Those with Alzheimer's face an irreversible process in which they lose many of those things that define them as individuals.

While Alzheimer's can affect people as young as in their 30s, most patients are over 60 years old. As this age group doubles over the next 25 years to around 72 million, the number of people with Alzheimer's will also increase dramatically.

As with other diseases which also affect large numbers of people and which cause profound suffering for patients, families and friends, we want to do whatever we can to eliminate the diseases or to mitigate their impact on people's lives. When Congress reauthorized the NIH in 2006, Congress decided to put the question of which diseases to fund into the hand of experts.

While it makes the most sense to let experts determine the best use of scarce resources for research, Congress still has an important role to play in fighting Alzheimer's and other diseases. Specifically, we must identify laws and regulations that post barriers to developing new treatments and diagnostic tests quickly and safely. Most importantly, Congress must ensure that our government is acting efficiently and effectively.

We often hear concerns about a lack of coordination between government agencies. The government already devotes substantial resources to Alzheimer's through such things as direct care, research at the NIH, and the activities of the Administration on Aging. However, it is imperative that these agencies coordinate their activities. The National Alzheimer's Project Act would ensure that coordination. If these agencies have a unified mission with a coordinated strategy, we significantly increase the chances of beating this disease.

Mr. Speaker, I urge all of my colleagues to support S. 3036.

I reserve the balance of my time.

Mr. PALLONE. I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) who has been very much involved with this issue and who is also a physician.

Mrs. CHRISTENSEN. Thank you, Chairman PALLONE, for yielding.

Madam Speaker, I, too, rise in strong support of S. 3036, the National Alzheimer's Project Act.

Today, the effects of Alzheimer's disease are devastating—devastating to the estimated 5.3 million Americans with the disease to their more than 11 million caregivers and to the Nation as a whole, because we all share the tremendous cost of contending with Alzheimer's. By the middle of the century, as many as 60 million Americans could have Alzheimer's disease, putting it on the course of being our country's leading public health crisis and the defining disease of the baby boomer generation.

□ 1140

Building on the recommendations of the Alzheimer's Study Group, the National Alzheimer's Project Act would create a national strategic plan and establish an interagency council to work with the Secretary of HHS to comprehensively assess and address Alzheimer's research, care, institutional services, and home- and community-based programs. It would ensure strategic planning and coordination across the Federal Government as a whole.

Currently, without a coordinated effort, we have no way of evaluating outcomes or developing more effective ways to improve those outcomes. The National Alzheimer's Project Act addresses this critical gap by establishing a national plan which would assess current Federal initiatives, evaluate outcomes from these programs, prioritize future actions, and set national goals.

In addition, this legislation will work to reduce the tremendous costs associated with Alzheimer's disease. The baby boomers are beginning to turn 65. Without the discovery and delivery of effective interventions, 10 million of us will develop Alzheimer's, and the lives of many millions more will be upended by the emotionally, physically, and financially draining toll of caring for us.

According to the Alzheimer's Association's report, we are currently spending $172 billion annually on Alzheimer's and other dementia care in America. $88 billion of that is for Medicare alone, which is 17 percent of the total Medicare budget. Medicare beneficiaries with Alzheimer's or another dementia cost the system three times as much as a person who does not have dementia. For Medicaid, the cost multiplier for someone with dementia is nine times more. The report estimates that in the next 40 years, the cost of Alzheimer's and other dementias will be in the trillions.

The National Alzheimer's Project Act will help to address these costs by establishing an advisory council in which Federal and private representatives will work to reduce costs for Federal programs, as well as for families, while working to improve national health outcomes.

The National Alzheimer's Project Act also aims to decrease health disparities in Alzheimer's. Sixteen percent of women over the age of 70 have

Alzheimer's compared to 11 percent of men, and although under-diagnosed, African Americans are two times more likely and Hispanic Americans 1½ times more likely to have Alzheimer's or other dementias. The National Alzheimer's Project Act will ensure the inclusion of those at-risk populations in clinical, research, and service efforts.

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

Mr. PALLONE. I yield the gentlewoman an additional 1 minute.

Mrs. CHRISTENSEN. S. 3036 makes significant strides in addressing one of America's most feared, costly, and deadly diseases.

I congratulate Mr. MARKEY for his work on this bill and I urge its passage.

I rise in strong support of S. 3036—the National Alzheimer's Project Act, which will provide critical federal support and coordination to overcome the growing Alzheimer's crisis.

Today, the effects of Alzheimer's disease are devastating—to the estimated 5.3 million Americans with the disease, to their more than 11 million caregivers, and to the nation as a whole as we all share the tremendous costs of contending with the Alzheimer crisis. Tomorrow, the devastation of Alzheimer's disease will grow far worse. In fact, it is on course to be our country's leading public health crisis of the 21st century, and the defining disease of the Baby Boom generation. If we don't succeed in changing the trajectory of this disease, by the middle of the century as many as 16 million Americans could have Alzheimer's.

Building on the recommendations of the Alzheimer's Study Group, the National Alzheimer's Project Act, NAPA, would create a national strategic plan for the Alzheimer's disease crisis. It would also establish an interagency council to work with the Secretary of Health and Human Services to comprehensively assess and address Alzheimer research, care, institutional services, and home and community based programs. NAPA would ensure strategic planning and coordination of the fight against Alzheimer's across the federal government as a whole.

Currently, without a coordinated effort, it is impossible to determine if it has been a good year in the fight against Alzheimer's. There are no benchmarks—we have no way of evaluating outcomes, let alone a way to improve them.

The National Alzheimer's Project Act addresses this critical gap by establishing a national plan. This national plan would assess current federal initiatives, evaluate outcomes from these programs, prioritize future actions, and assert national goals. With an integrated national plan, the government can improve the quality of life and outcomes for the millions of Americans—and their families living with Alzheimer's disease and other dementias.

In addition, this legislation will work to reduce the tremendous costs associated with Alzheimer's disease. In a few weeks, the first Baby Boomer turns 65—Alzheimer cases will begin to mount at an ever-increasing pace. Without the discovery and delivery of effective interventions, 10 million American Baby Boomers will develop Alzheimer's disease. And the lives of many millions more will be upended by the emotionally, physically and financially draining toll of caring for them.

The economic factors of Alzheimer's rival the human devastation of the disease. According to the Alzheimer's Association's report, "Changing the Trajectory of Alzheimer's Disease: A National Imperative," we are currently spending $172 billion annually on Alzheimer's and other dementia care in America; $88 billion of that is for Medicare alone, which is 17 percent of the total Medicare budget. Medicare beneficiaries with Alzheimer's or another dementia cost the system three times as much as a person who does not have a dementia. For Medicaid, the cost multiplier for someone with dementia is nine times more. The Trajectory report estimates that during the next 40 years, the cost of Alzheimer's and other dementias will exceed $20 trillion.

Our country is engaged in a collective and very appropriate conversation about what should be done to address our current fiscal situation. When we look at how we can take costs out of the system while improving outcomes, we quickly see that Alzheimer's should be a core part of these discussions.

Fortunately, the National Alzheimer's Project Act will help to address these costs. The legislation establishes an Advisory Council comprised of federal and private representatives; the Council will work to reduce costs for federal programs, as well as families, while working to improve national health outcomes.

The National Alzheimer's Project Act also aims to decrease health disparities within Alzheimer's. Studies have shown certain populations are at greater risk of suffering from this devastating disease. Sixteen percent of women over the age of 70 have Alzheimer's compared to 11 percent of men. African Americans are about two times more likely to have Alzheimer's disease and other dementias; however, they are less likely to have a diagnosis. The legislation will ensure the inclusion of those at risk populations in clinical, research, and service efforts which will play a vital role in changing the future of disease.

The National Alzheimer's Project Act makes significant strides in addressing one of America's most feared, costly, and deadly diseases. I am pleased to support such a critical piece of legislation which will improve the quality of life for the millions of Americans affected by Alzheimer's disease.

Mr. TERRY. Madam Speaker, I yield 4 minutes to one of our great advocates for families and individuals with Alzheimer's, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank my distinguished friend for yielding.

Madam Speaker, as cochairman along with my good friend and colleague Congressman ED MARKEY of the Congressional Task Force on Alzheimer's, which we founded back in 1999, and as lead Republican sponsor on the companion legislation—this is a Senate bill, of course—I rise in strong support and ask for our colleagues to pass the National Alzheimer's Project Act.

This legislation is an important step forward in our battle against the crisis of Alzheimer's disease. Unfortunately, we know that the trajectory of Alzheimer's disease over the next few decades threatens unparalleled tragedy and threatens to overwhelm society's ability to cope if something is not done to change that trajectory.

Alzheimer's disease is both a current and future health crisis of our Nation. About 78 million baby boomers were born between 1946 and 1964, which has been termed the single greatest demographic event in United States history. In a couple of weeks on January 1, the first of those boomers will turn 65 years of age.

Today, 5.3 million people have Alzheimer's, and another American develops the disease every 70 seconds. 200,000 Americans under the age of 65 have early onset Alzheimer's. Alzheimer's costs Medicare and Medicaid alone approximately $122 billion. The average annual Medicare payment for an individual with Alzheimer's, as the previous speaker pointed out, is three times higher than for those without the condition. Additionally, 11 million unpaid caregivers provide 12.5 billion hours of care, valued at an estimated $144 billion. This unpaid care obviously is a huge drain on family resources.

Without effective intervention to change the trajectory, by mid-century, the number of individuals with Alzheimer's will increase to an estimated 13 million to 16 million people, and the cost to Medicare and Medicaid will be staggering, over $800 billion in today's dollars. Given these realities, it is astounding that there is no national plan to address the crisis of Alzheimer's disease and the looming crisis.

The National Alzheimer's Project Act is designed to help turn the tide by creating a national strategic plan to address it. NAPA establishes an interagency advisory council to advise the Secretary of Health and Human Services on how to comprehensively address the government's efforts on Alzheimer's research, care, and service, including both institutional and at-home care.

As a percentage of the population, more women than men have Alzheimer's, and African Americans are about two times more likely to have Alzheimer's or other dementias, yet they are less likely to be diagnosed. NAPA aims to address these disparities as well.

NAPA will provide the framework to accelerate the development of an efficacious care and comprehensive treatment in an effort to mitigate the unspeakable agony and suffering of millions of patients and their families. And if we are successful, we will also save the country billions of dollars every year and trillions over the coming decades.

This is an outstanding bill, and I hope the membership of this body will overwhelmingly support it.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

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

Madam Speaker, there are currently 5.3 million Americans with Alzheimer's, and the prevalence of the disease is expected to increase rapidly as the baby boomer generation, my generation, begins to age.

As a degenerative disease that affects memory and other cognitive functioning, Alzheimer's can be very frustrating, both for the person afflicted and for family, friends, and caretakers. Far too many of us have lost a loved one because of this disease.

It is time we find a cure for Alzheimer's. This bill is an extremely important contribution to the search for that cure. It will establish a coordinated national and international effort and accelerate research and development efforts for new treatments to prevent, stop, or reverse the course of Alzheimer's disease. The information these efforts provide will, in turn, inform priorities for future work to end this disease.

I wholeheartedly support what is clearly a bipartisan bill, and I urge my colleagues on both sides of the aisle to do the same.

Mr. MARKEY of Massachusetts. Madam Speaker, Thank you, Chairman WAXMAN, Chairman PALLONE, Representative BURGESS, and Ranking Member BARTON.

I'd like to thank Senators BAYH and COLLINS for their leadership on this bill, the Senate companion to H.R. 4689 which I introduced with my friend and cochair of the Task Force on Alzheimer's Disease, Representative CHRIS SMITH from New Jersey.

The poet Robert Browning once wrote, "Grow old with me, the best is yet to be."

Unfortunately, the "Golden Years" can be the worst years for Americans afflicted with Alzheimer's and their families.

We've worked with the Senate to engage in a bipartisan, constructive process with stakeholders to reach legislative language and move this bill forward.

After all, Alzheimer's is an equal-opportunity disease. My father was a milkman, my mother the valedictorian. My father always said it was an honor that my mother married him and that if Alzheimer's was determined by the strength of your brain, "Your mother would be taking care of me instead." He took care of her in our living room in Malden, Massachusetts for 10 years as she suffered from Alzheimer's. I'm thinking of them both today.

Alois Alzheimer first discovered the plaques and tangles in the brain that cause Alzheimer's in 1906—within the very same year that my mother was born.

At the time, doctors believed that dementia in the elderly was a normal part of the aging process that was caused by the hardening of the arteries.

However, Alzheimer's groundbreaking work was done on a patient who was only 51 years old. So Alzheimer reached the conclusion that the condition he had discovered was a kind of "pre-senile dementia," and that the pattern of plaques and tangles he had identified was a rare condition that afflicted only the young.

Years passed, my mother grew up, and researchers did little to study and learn about the plaques and tangles that were forming in her brain.

It wasn't until the mid-1970s that it became clear that the most common form of dementia in older people was caused by the same plaques and tangles that Alzheimer had identified decades earlier.

Unfortunately, the search for the cure had begun too late for my mother who was diagnosed in 1981—75 years after Alzheimer had discovered the disease that lead to her death.

Alzheimer's patients are the mothers and fathers, and sisters and brothers who we recognize even if they don't recognize us; who we remember even if they don't remember us, and who we continue to love and cherish even as their condition worsens.

A few stats: 5.3 million Americans have Alzheimer's; it is the 7th leading cause of death; $172 billion is spent annually for Alzheimer's.

Our challenge is to ensure that we increase not only the lifespan, but also the health span of Americans, so that the 30 bonus years of life we gained in the 20th century—and hopefully will continue to gain in the 21st—are truly better years of life.

The Alzheimer's community has been waiting for help, and trying to maintain hope.

Today the House can take action to help and give hope to Alzheimer's families.

The bill we are considering today will help coordinate Alzheimer's research, care, and services across all Federal agencies.

The United States is one of the only developed nations without a national plan to combat Alzheimer's. For too long, we've been unarmed against this disease.

Through this plan, will be developed: An assessment of all Alzheimer-related Federal efforts; recommendations; annual updates; and a strong advisory committee.

This bill will: Help coordinate the health care and treatment of citizens with Alzheimer's; it will accelerate the development of treatments that would prevent, halt or reverse the course of Alzheimer's by coordinating existing government resources; and it will ensure the inclusion of ethnic and racial populations at higher risk for Alzheimer's and reduce health disparities among people with Alzheimer's.

Thank yous: The Alzheimer's Association—Harry Johns, Rob Egge, Mary Richards, Katie Maslow, Matthew Baumgart; Maria Shriver for all of her great work; The Alzheimer's Foundation of America—Eric Hall, Sue Peschin; Cure Alzheimer's Fund—Tim Armour, Dr. Rudy Tanzi; The National Institute on Aging—Dr. Richard Hodes, Tamara Jones; Keep Memory Alive—Maureen Peckman, George and Trish Vradenburg, Patience O'Connor, Meryl Comer, Jillian Oberfield, Mark Bayer, Kate Bazinsky, Josh Lumbley, Amit Mistry, and Binta Beard from my office; Tim Lynagh from Representative CHRIS SMITH's office; Emily Gibbons, Sarah Despres from the Energy and Commerce Committee Majority Staff; Ryan Long and Clay Alspach from Mr. BARTON's staff; J.P. Paluskiewicz from Dr. BURGESS's Office; Sarah Kyle and Kevin Kaiser from Senator BAYH's Office.

Thank you to the many hard-working advocates for this disease, and those who are caretakers, bearing many burdens day in and day out.

I once again thank my colleagues for their support—WAXMAN, PALLONE, BURGESS, and BARTON.

Mr. KLINE of Minnesota. Madam Speaker, I offer the following statement in support of Senate Bill 3036, expressing support for the National Alzheimer's Project Act.

The effects of Alzheimer's disease are devastating. An estimated 5.3 million Americans live with this disease, and millions more are directly affected through caring for loved ones and sharing the surmounting costs of this terrible disease.

Unfortunately, the devastation of Alzheimer's disease will only become worse as the Baby Boom generation grows older. It is estimated that if we are unable to change the trajectory of this disease, as many as 16 million Americans will have Alzheimer's by the middle of this century.

The economic impact of Alzheimer's is also staggering. We are currently spending an estimated $172 billion annually on Alzheimer's disease and other dementia care in America. As the nation faces a growing aging population, we must look at how to reduce costs while improving outcomes. The National Alzheimer's Project Act will help achieve this goal through the establishment of the Advisory Council on Alzheimer's Research, Care, and Services, which facilitates public and private coordination on research and services across all federal agencies.

As my mother is currently suffering from the advanced stages of Alzheimer's disease, I would welcome news of a research breakthrough that would slow, stop, or reverse this degenerative disease.

The National Alzheimer's Project Act is an important step toward addressing a devastating and deadly disease. I am pleased to support legislation that will help improve the quality of life for the millions of Americans affected by Alzheimer's disease.

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

Mr. PALLONE. Madam Speaker, I urge passage of S. 3036, and I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 3036.

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

A motion to reconsider was laid on the table.

EARLY HEARING DETECTION AND INTERVENTION ACT OF 2010

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the bill (S. 3199) to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3199

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 "Early Hearing Detection and Intervention Act of 2010".

SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g–1) is amended—

(1) in the section heading, by striking "**INFANTS**" and inserting "**NEWBORNS AND INFANTS**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "screening, evaluation and intervention programs and systems" and inserting "screening, evaluation, diagnosis, and intervention programs and systems, and to

assist in the recruitment, retention, education, and training of qualified personnel and health care providers,'';

(B) by amending paragraph (1) to read as follows:

''(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss.''; and

(C) by adding at the end the following:

''(3) Other activities may include developing efficient models to ensure that newborns and infants who are identified with a hearing loss through screening receive follow-up by a qualified health care provider, and State agencies shall be encouraged to adopt models that effectively increase the rate of occurrence of such follow-up.'';

(3) in subsection (b)(1)(A), by striking ''hearing loss screening, evaluation, and intervention programs'' and inserting ''hearing loss screening, evaluation, diagnosis, and intervention programs'';

(4) in paragraphs (2) and (3) of subsection (c), by striking the term ''hearing screening, evaluation and intervention programs'' each place such term appears and inserting ''hearing screening, evaluation, diagnosis, and intervention programs'';

(5) in subsection (e)—

(A) in paragraph (3), by striking ''ensuring that families of the child'' and all that follows and inserting ''ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of such appropriate services, educational and program placements, and other options for their child from highly qualified providers.''; and

(B) in paragraph (6), by striking '', after rescreening,''; and

(6) in subsection (f)—

(A) in paragraph (1), by striking ''fiscal year 2002'' and inserting ''fiscal years 2011 through 2015'';

(B) in paragraph (2), by striking ''fiscal year 2002'' and inserting ''fiscal years 2011 through 2015''; and

(C) in paragraph (3), by striking ''fiscal year 2002'' and inserting ''fiscal years 2011 through 2015''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise in strong support of S. 3199, the Early Hearing Detection and Intervention Act. Last year, the House passed the companion measure to this bill, and we are pleased to pass it again with minor modifications.

Every year, more than 12,000 babies are born with hearing loss. Often their condition goes undetected for years, and many of these children end up experiencing delays in speech, language, and cognitive development. However, if the hearing loss is detected early, many of these delays can be mitigated or even prevented, and for that reason, early detection is critical to improving outcomes for these children.

□ 1150

The bill, the Early Hearing Detection and Intervention Act, would improve services for screening, diagnosing, and treating hearing loss in children by reauthorizing the Early Hearing Detection and Intervention Program, which was first enacted in 2000. The program provides grants and cooperative agreements for statewide newborn and infant hearing services. These programs focus on screening evaluation, diagnosis, and early intervention.

I want to particularly thank my colleague, the gentlewoman from California, Representative CAPPS, who is the vice chair of the Health Subcommittee, for her hard work on this issue and so many issues. She is a nurse by profession. I am sure you have noticed that many of the health care bills that have come out of the last 4 years during the Democratic majority have been from Mrs. CAPPS, and she is always, in particular, looking out for children and senior citizens. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Madam Speaker, S. 3199, the Early Hearing Detection and Intervention Act of 2010, has worthy elements. Certainly we support the efforts of early recognition of hearing loss. As Mr. PALLONE said, and Mrs. CAPPS will reiterate, it is not standard practice, or was not standard practice, to perform early detection for hearing loss on newborns. Usually parents, after about a year, would recognize something isn't right, that maybe speech was delayed, and that's when testing would occur. We have found that early testing has benefits. However, our side of the aisle must recommend a ''no'' vote at this time due to the authorizing of appropriations with the language of ''such sums as necessary.'' This type of open-ended authorization abdicates our duty to budget for programs responsibly.

The bill would reauthorize the newborns and infants hearing loss program. It would enable the Secretary of Health and Human Services to assist in recruitment, retention, education, and training of qualified personnel and health care providers. Unfortunately, in reauthorizing this program, the bill contains no limits on authorization of spending for the program. As my colleagues know, authorizing ''such sums as necessary'' in legislation has contributed to the fiscal crisis our country now faces. Our country had a budget deficit of $1.3 trillion in fiscal year 2010, and some are projecting that our country's budget deficit will reach $1.5 trillion this fiscal year. We cannot continue this fiscal irresponsibility by voting for open-ended authorization amounts. We need to include specific authorization amounts in legislation so we can set priorities, if we are to ever get our fiscal House in order.

Madam Speaker, I recommend a ''no'' vote on this legislation so we can work in a bipartisan manner to include specific reauthorization amounts.

I reserve the balance of my time.

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

I just wanted to address the gentleman's point with regard to the underlying bill containing the language ''such sums.'' I mean, the bill doesn't change anything from the current law. The 2002 Early Hearing Detection and Intervention Act, which we are reauthorizing, had that language in it, and we are simply updating the authorization here. It is not changing the language. And the same is true for the bill that passed the House last year. There was a House version, sponsored by Mrs. CAPPS, and that didn't make any change either. So I just want to remind my colleagues that, you know, again, we passed this bill in March 2009 and then again on the floor I guess later that month, and there wasn't any issue raised by the Republicans at that time. So I just think to raise it now really makes no sense, and we should simply move to pass this. It is very commonsense legislation. It simply reauthorizes the current law.

I reserve the balance of my time.

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

Madam Speaker, the gentleman is correct in the sense that it is a reauthorization. It strikes the language of 2002 while leaving the language of ''such sums as may be necessary'' for the fiscal year going forward now, but we still have that open-ended language.

And after hearing from the people for the last couple of years, we have an additional emphasis on making sure that we are tighter in the writing of these bills, unlike what was occurring in the year 2002 when this was passed or in 2009 when it passed from committee. That is our only objection here, the authorization of open-ended, ''such sums as may be necessary.''

I reserve the balance of my time.

Mr. PALLONE. I now yield 3 minutes to the sponsor of the legislation, the

gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague and our chairman for yielding time.

Madam Speaker, I am rising today in strong support of Senate bill 3199, the Early Hearing Detection and Intervention Act. And I am very proud to have introduced the House version of this bill with our colleague Congresswoman JO ANN EMERSON of Missouri. The House did pass this legislation by voice vote in March of 2009, and the Senate version, introduced by Senators SNOWE and HARKIN, was modified by the Senate HELP Committee and passed by unanimous consent earlier this week. Senate bill 3199 is noncontroversial and would make needed improvements to the Early Hearing Detection and Intervention Program, as recommended by experts.

Each year, more than 12,000 infants are born with a hearing loss. If left undetected, this condition impedes speech, language, and cognitive development. And I might add, with concerns for the cost, the cost to taxpayers of not recognizing these needs and intervening, the cost in special education, in modified vocational goals for individuals who will be a burden to taxpayers the rest of their lives is unbelievably high.

Since the authorization of the Early Hearing Detection and Intervention Program in early 2000, we have seen a tremendous increase in the number of newborns who are being screened for hearing loss. Back in 2000, only 44 percent of newborns were being screened for hearing loss. Now we are screening newborns at a rate of over 93 percent. But you know, our work isn't done yet. According to CDC, almost half of newborns who fail initial hearing screenings do not receive appropriate followup care. And in my work as a school nurse for over 20 years, I had much interaction with students who were lagging behind their classmates due to undiagnosed and/or untreated hearing loss. We can prevent more children from suffering in the classroom and suffering throughout their lives through a better investment in followup and intervention as a part of the successful hearing screening program for newborns and infants.

This legislation would accomplish these goals through reauthorizing the programs administered by HRSA, CDC, and the NIH, providing grants to conduct newborn hearing screening, provide followup intervention to promote surveillance and research. So I am strongly urging my colleagues to join me in voting in favor of Senate bill 3199, to continue building on the great success of these programs.

Mr. TERRY. I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I would like to yield 2 minutes now to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the chair very much, and I thank him for his great work.

The poet Robert Browning once wrote, ''Grow old with me. The best is yet to be.'' Unfortunately, the golden years can be the worst years for Americans afflicted with Alzheimer's and their families. We have worked with the Senate to put together a bipartisan bill that has just passed here in the United States House of Representatives that I have worked on over the last 2 years that will put together an Alzheimer's plan, a battle plan for our country. And why is it important? I will tell you very simply: 4 million Americans have Alzheimer's today. There are going to be 12 million to 15 million baby boomers with Alzheimer's. They will have a spouse who also has the disease or some other family member. Somebody in the family has to take care of that person. So by the time all the baby boomers have retired, there will be about 25 million to 30 million Americans whose lives will revolve around Alzheimer's.

□ 1200

We have to find a cure for it. We have to find a way of giving more help to these heroes, these families.

My father was a milkman. My mother was a valedictorian. My mother got Alzheimer's. My father kept her in the living room. For 13 years, we kept her in our living room. My father always said that it was an honor that my mother had married him, the milkman. He also said that if the strength of your brain determined who got Alzheimer's, he said that he would have it and my mother would be taking care of him.

But this is an equal opportunity disease. It's an epidemic. If we do not find the cure, if we do not find the cure, the budget problems for our country will be so explosive that it will be impossible to ever balance the Federal budget.

We are now spending a fortune on it, and unless we cure it, we will never be able to deal with the catastrophic consequences personally, for those families, and for our country, in general.

I thank the gentleman for allowing me this personal privilege, because I was pulled away as the bill was being considered.

Mr. TERRY. Madam Speaker, I thank the gentleman from Massachusetts for his efforts in fighting Alzheimer's and working for those families.

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

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

I just wanted to mention that the three bills today are just a small representation of many bipartisan public health bills that the majority and minority worked on together in the Health Subcommittee over the past 2 years. And I wanted to thank the ranking member of the Health Subcommittee, Mr. SHIMKUS, for his hard work and cooperation in these efforts. In the summer and fall alone, the House passed 25 bipartisan health bills that came from our Health Subcommittee.

And I also want to thank the staff that worked on these public health bills this past Congress. From the majority is Ruth Katz, Steve Cha, Sarah Despres, Emily, who's here with me, Emily Gibbons, Tiffany Guarascio, Anne Morris, Camille Sealy, Naomi Seiler, Tim Westmoreland, and Karen Nelson, of course. And from the minority, Ryan Long, Clay Alspach, Peter Kielty, and Chris Sarley.

Madam Speaker, I ask for passage of the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 3199.

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

A motion to reconsider was laid on the table.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the bill (S. 3386) to protect consumers from certain aggressive sales tactics on the Internet.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3386

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 ''Restore Online Shoppers' Confidence Act''.

SEC. 2. FINDINGS; DECLARATION OF POLICY.

The Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year. Over half of all American adults have now either made an online purchase or an online travel reservation.

(2) Consumer confidence is essential to the growth of online commerce. To continue its development as a marketplace, the Internet must provide consumers with clear, accurate information and give sellers an opportunity to fairly compete with one another for consumers' business.

(3) An investigation by the Senate Committee on Commerce, Science, and Transportation found abundant evidence that the aggressive sales tactics many companies use against their online customers have undermined consumer confidence in the Internet and thereby harmed the American economy.

(4) The Committee showed that, in exchange for ''bounties'' and other payments, hundreds of reputable online retailers and websites shared their customers' billing information, including credit card and debit card numbers, with third party sellers through a process known as ''data pass''. These third party sellers in turn used aggressive, misleading sales tactics to charge millions of American consumers for membership clubs the consumers did not want.

(5) Third party sellers offered membership clubs to consumers as they were in the process of completing their initial transactions

on hundreds of websites. These third party ''post-transaction'' offers were designed to make consumers think the offers were part of the initial purchase, rather than a new transaction with a new seller.

(6) Third party sellers charged millions of consumers for membership clubs without ever obtaining consumers' billing information, including their credit or debit card information, directly from the consumers. Because third party sellers acquired consumers' billing information from the initial merchant through ''data pass'', millions of consumers were unaware they had been enrolled in membership clubs.

(7) The use of a ''data pass'' process defied consumers' expectations that they could only be charged for a good or a service if they submitted their billing information, including their complete credit or debit card numbers.

(8) Third party sellers used a free trial period to enroll members, after which they periodically charged consumers until consumers affirmatively canceled the memberships. This use of ''free-to-pay conversion'' and ''negative option'' sales took advantage of consumers' expectations that they would have an opportunity to accept or reject the membership club offer at the end of the trial period.

SEC. 3. PROHIBITIONS AGAINST CERTAIN UNFAIR AND DECEPTIVE INTERNET SALES PRACTICES.

(a) REQUIREMENTS FOR CERTAIN INTERNET-BASED SALES.—It shall be unlawful for any post-transaction third party seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet, unless—

(1) before obtaining the consumer's billing information, the post-transaction third party seller has clearly and conspicuously disclosed to the consumer all material terms of the transaction, including—

(A) a description of the goods or services being offered;

(B) the fact that the post-transaction third party seller is not affiliated with the initial merchant, which may include disclosure of the name of the post-transaction third party in a manner that clearly differentiates the post-transaction third party seller from the initial merchant; and

(C) the cost of such goods or services; and

(2) the post-transaction third party seller has received the express informed consent for the charge from the consumer whose credit card, debit card, bank account, or other financial account will be charged by—

(A) obtaining from the consumer—

(i) the full account number of the account to be charged; and

(ii) the consumer's name and address and a means to contact the consumer; and

(B) requiring the consumer to perform an additional affirmative action, such as clicking on a confirmation button or checking a box that indicates the consumer's consent to be charged the amount disclosed.

(b) PROHIBITION ON DATA-PASS USED TO FACILITATE CERTAIN DECEPTIVE INTERNET SALES TRANSACTIONS.—It shall be unlawful for an initial merchant to disclose a credit card, debit card, bank account, or other financial account number, or to disclose other billing information that is used to charge a customer of the initial merchant, to any post-transaction third party seller for use in an Internet-based sale of any goods or services from that post-transaction third party seller.

(c) APPLICATION WITH OTHER LAW.—Nothing in this Act shall be construed to supersede, modify, or otherwise affect the requirements of the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) or any regulation promulgated thereunder.

(d) DEFINITIONS.—In this section:

(1) INITIAL MERCHANT.—The term ''initial merchant'' means a person that has obtained a consumer's billing information directly from the consumer through an Internet transaction initiated by the consumer.

(2) POST-TRANSACTION THIRD PARTY SELLER.—The term ''post-transaction third party seller'' means a person that—

(A) sells, or offers for sale, any good or service on the Internet;

(B) solicits the purchase of such goods or services on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant; and

(C) is not—

(i) the initial merchant;

(ii) a subsidiary or corporate affiliate of the initial merchant; or

(iii) a successor of an entity described in clause (i) or (ii).

SEC. 4. NEGATIVE OPTION MARKETING ON THE INTERNET.

It shall be unlawful for any person to charge or attempt to charge any consumer for any goods or services sold in a transaction effected on the Internet through a negative option feature (as defined in the Federal Trade Commission's Telemarketing Sales Rule in part 310 of title 16, Code of Federal Regulations), unless the person—

(1) provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information;

(2) obtains a consumer's express informed consent before charging the consumer's credit card, debit card, bank account, or other financial account for products or services through such transaction; and

(3) provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's credit card, debit card, bank account, or other financial account.

SEC. 5. ENFORCEMENT BY FEDERAL TRADE COMMISSION.

(a) IN GENERAL.—Violation of this Act or any regulation prescribed under this Act shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(b) PENALTIES.—Any person who violates this Act or any regulation prescribed under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated in and made part of this Act.

(c) AUTHORITY PRESERVED.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 6. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) RIGHT OF ACTION.—Except as provided in subsection (e), the attorney general of a State, or other authorized State officer, alleging a violation of this Act or any regulation issued under this Act that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found, resides, or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code, to obtain appropriate injunctive relief.

(b) NOTICE TO COMMISSION REQUIRED.—A State shall provide prior written notice to the Federal Trade Commission of any civil action under subsection (a) together with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such action.

(c) INTERVENTION BY THE COMMISSION.—The Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prevent the attorney general of a State, or other authorized State officer, from exercising the powers conferred on the attorney general, or other authorized State officer, by the laws of such State; or

(2) to prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(e) LIMITATION.—No separate suit shall be brought under this section if, at the time the suit is brought, the same alleged violation is the subject of a pending action by the Federal Trade Commission or the United States under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

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

There was no objection.

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

I am pleased to rise in support this afternoon of S. 3386, the Restore Online Shoppers' Confidence Act. The legislation makes essential protections to consumers in the Internet marketplace.

The rapid growth of online commerce has brought great benefits to merchants and consumers alike. Creative retailers can reach a broader market, while resourceful shoppers can compare deals and find exactly the right product for themselves. Internet commerce is now a core part of the daily lives of millions of Americans, and overall, more than one-half of all adults, at some point, have made an online purchase. But large percentages of consumers also report feeling frustrated, overwhelmed, and confused by online shopping, often because they face unfamiliar, aggressive sales tactics online.

Last year, an investigation by the Senate Commerce, Science, and Transportation Committee confirmed the

pervasive use of misleading tactics by even some of the Web's most prominent, trusted retailers. The committee concluded that while consumers are heavily involved in Internet commerce, they are struggling to stay free of unwanted charges on their credit cards or their debit cards.

The bill now before the House focuses on two common deceptive tactics: post-transaction marketing and ''data pass.''

Post-transaction marketing occurs when a consumer purchasing something from a trusted vendor is presented with offers from unrelated sellers promising savings on the initial transaction as well as future purchases. These third-party sellers often do not make clear that they are distinct entities and that agreeing to their offer constitutes a wholly separate transaction with an entirely new set of terms. The legislation would bring these transactions into the light and make them much easier for consumers to follow. It would also put an end to ''data pass'' during these transactions, in which the first seller shares a consumer's credit card number with the third-party seller without the knowledge or consent of the consumer. The legislation returns to consumers the power to control when and with whom their sensitive financial information is shared.

The Restore Online Shoppers' Confidence Act, as passed by the Senate, serves to protect the consumer in the online marketplace.

I want to say thank you to Senator ROCKEFELLER, the chief sponsor of the measure in the other body, and to his staff for their determined work, as well as to Congressman SPACE, on our Energy and Commerce Committee, for his sponsorship of this measure in the House.

Through this legislation, consumers will be empowered to make smart decisions online and protect their bank accounts. I urge strong support for the passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TERRY. Madam Speaker, unfortunately, I rise today in opposition to S. 3386, the Restore Online Shoppers' Confidence Act. This bill would regulate e-commerce, specifically, negative option marketing and third-party billing.

The Committee on Energy and Commerce has not held a single hearing or markup on this legislation or any legislation similar in concept. Furthermore, it has been less than 2 weeks since the majority first raised the issue with minority staff and informed us of their intentions to place this bill on the suspension calendar.

We have not held a single stakeholders meeting regarding this legislation, nor have we spoken with the Federal Trade Commission about how they would implement this legislation or if they feel it is necessary. In fact, we had not one single stakeholder call, email, or letter or one single call, email, or letter from the regulator on this issue until Monday. Since then, we have received a number of stakeholder calls voicing concerns with the legislation. However, without holding any hearings or meetings, we can't properly evaluate these concerns.

As has been aptly demonstrated by the majority's health care bill and the CPSIA, the consumer protection bill that we've had to make several changes to, the heavy hand of Federal regulation is prone to producing unforeseen and unacceptable consequences on the Nation's economy.

On its face, this may not be something we'd oppose if we had a record to prove it's necessity and to inform us as to the proper way to address the potential problems that this bill is meant to solve, but we have absolutely no record on this matter; and the House, therefore, cannot responsibly pass this bill to the President's desk to become law.

House Republicans are more than willing to work with our counterparts on the other side of the aisle and with our colleagues in the Senate next Congress to build a record and address if this issue is proven necessary. Based solely on a complete lack of process, not necessarily the merits, but on the process, I urge opposition to this legislation.

□ 1210

Madam Speaker, in closing, I want to commend Mr. BOUCHER, the telecom chair. He has been an awesome chair for telecom, in fact, I would have to say in the United States House of Representatives, and I am even going to throw in the Senate. He is by far the most informed and educated on telecom Internet issues. So when RICK BOUCHER stands up to discuss an issue that affects e-commerce and the Internet, we listen.

It is unfortunate that we are having a debate on this bill on process and not on the merits, because on the merits we are going to listen to RICK BOUCHER. And I just want to thank him for his service to Congress, his tutelage towards me on telecom issues in Congress. I for one, and I can say all of us on the Energy and Commerce Committee, are going to miss RICK BOUCHER next term.

I yield back the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I want to express appreciation for the gentleman from Nebraska for those very kind comments, and I want to also say what a privilege it has been working with him. He and I together have structured a number of items of legislation.

For example, we advanced to the Energy and Commerce Committee a measure that comprehensively reforms the Federal Universal Service Fund and has obtained the endorsement of virtually all of the stakeholders who have expressed interest in that very complex subject. It has been a pleasure working with the gentleman as that work has been undertaken.

His comments are really humbling to me, and I want to thank him for saying those things and just express what a privilege it has been for me to work with the gentleman and with all members of the Energy and Commerce Committee during these 28 years. It has been a service that will certainly be the high point of my career, and I thank all members for their many courtesies.

Madam Speaker, I strongly encourage the passage of this legislation.

I yield back the balance of my time.

Mr. TERRY. Madam Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. TERRY. At this time, I will yield such time as he may consume to the ranking member of the Energy and Commerce Committee from Texas, JOE BARTON.

Mr. BARTON of Texas. Thank you.

Madam Speaker, I apologize. I was in my office and listening to the debate. I heard my distinguished senior Republican rise in reluctant opposition to the bill. I had had a conversation which Mr. TERRY was not aware of with the chairman of the committee, Mr. WAXMAN, in which I expressed the same concerns that Mr. TERRY expressed, but because of the policy implications of the bill, agreed that it should be supported. I told him that I would encourage the Republicans on the committee and in the full House to support it. Mr. TERRY did not know that, and he was doing what we had decided before I talked to Mr. WAXMAN.

I would not normally rush to the floor; but given that I had given my word to Chairman WAXMAN, I felt the necessity to express to the subcommittee chairman, Mr. BOUCHER, that while we agree with all the process arguments that Mr. TERRY enunciated and think they are very valid, the policy in the bill is good policy, and I would ask that it be supported for that reason.

I thank the gentleman from Nebraska for yielding.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 3386.

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

A motion to reconsider was laid on the table.

TRUTH IN CALLER ID ACT OF 2009

Mr. BOUCHER. Madam Speaker, I move to suspend the rules and pass the

bill (S. 30) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 30

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 ''Truth in Caller ID Act of 2009''.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

''(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

''(3) REGULATIONS.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission shall prescribe regulations to implement this subsection.

''(B) CONTENT OF REGULATIONS.—

''(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines is appropriate.

''(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

''(I) any authorized activity of a law enforcement agency; or

''(II) a court order that specifically authorizes the use of caller identification manipulation.

''(4) REPORT.—Not later than 6 months after the enactment of the Truth in Caller ID Act of 2009, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

''(5) PENALTIES.—

''(A) CIVIL FORFEITURE.—

''(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed $10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act.

''(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

''(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

''(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

''(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than $10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

''(6) ENFORCEMENT BY STATES.—

''(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

''(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

''(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission shall have the right—

''(i) to intervene in the action;

''(ii) upon so intervening, to be heard on all matters arising therein; and

''(iii) to file petitions for appeal.

''(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(E) VENUE; SERVICE OR PROCESS.—

''(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

''(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

''(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(7) EFFECT ON OTHER LAWS.—This subsection does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

''(8) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

''(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

''(C) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given that term by section 9.3 of the Commission's regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

''(9) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

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

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

There was no objection.

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

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

Mr. BOUCHER. Madam Speaker, today we consider S. 30, the Truth in Caller ID Act. It is the Senate companion to House legislation that was introduced on a bipartisan basis by our colleagues, the gentleman from New York (Mr. ENGEL) and the gentleman from Texas (Mr. BARTON), ranking Republican member of the Energy and Commerce Committee.

The bill directs the FCC to adopt the regulations prohibiting caller ID spoofing in which a caller falsifies the original caller ID information during the transmission of a call with the intent to defraud, to cause harm, or wrongfully to obtain anything of value. The bill makes anyone who knowingly and willingly engages in caller ID spoofing eligible for criminal fines.

Spoofing has been possible for many years, but generally required expensive

equipment in order to change the outgoing call information. But with the growth of voice over Internet protocol usage, spoofing has become easier and considerably less expensive, and a number of Web sites are now offering spoofing services. Consequently, those who want to deceive others by manipulating caller ID can now do so with relative ease.

Spoofing threatens a number of business applications, including credit card verifications and automatic call routing, because these systems rely on the telephone number as identified by the caller ID system as one piece of their verification and authentication process. It is also commonly used in the commission of frauds of various kinds.

At other times, spoofing may be used to protect individuals. For example, domestic violence shelters sometimes use spoofing to mask the identity of the caller for protective purposes.

By prohibiting the use of caller ID spoofing only where the intent is to defraud, to cause harm, or wrongfully obtain anything of value, this measure addresses the nefarious uses of the technology while continuing to allow legitimate uses such as use in shelters for the victims of domestic violence.

In the rulemaking that the FCC will conduct pursuant to new subsection 227(e)(3) of the Communications Act, the committee anticipates that the commission will consider imposing obligations on entities that provide caller ID spoofing services to the public. The widespread availability of caller ID spoofing services presents a significant potential for abuse and hinders law enforcement's ability to investigate crime.

The prohibition in this bill on the use of those services with the intent to defraud, cause harm, or wrongfully obtain anything of value could be of limited value if entities continue to provide those services without making any effort to verify their users' ownership of the phone number that is being substituted.

With our action today, this measure will be forwarded to the President for his signature. I want to thank and commend our colleagues, Mr. ENGEL and also Mr. BARTON, for their commitment to the matter. And I want to commend Senator NELSON of Florida and all Members who, on a bipartisan basis, have contributed to and supported the legislation now before the House.

I reserve the balance of my time.

□ 1220

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

I rise in support of S. 30, the Truth in Caller ID Act of 2009, which addresses an issue that Mr. BARTON and Mr. ENGEL and the Energy and Commerce Committee have been working on since the 109th Congress. In fact, back in April of this year, the House passed our version, H.R. 1258. The legislation protects consumers by prohibiting the deceptive practice of manipulating caller ID information, a practice known as caller ID spoofing.

Everyone is now familiar with the caller ID product that provides to a consumer the name and number of who is placing an incoming call. Madam Speaker, unfortunately, caller ID spoofing is yet another tool available to criminals to hijack the identity of consumers.

As with other scams, the Internet is making caller ID spoofing even easier today. There are Web sites that offer subscribers, for a nominal fee, a simple Web interface to caller ID spoofing systems that lets them appear to be calling from any number they so choose. Some of these Web services have boasted that they do not maintain logs and fail to provide any contact information. Some even offer voice scrambling services to further the deception of the consumer.

The FCC has investigated this spoofing problem, but currently there is no prohibition against manipulating caller ID information with the intent to harm others. Today's bill remedies this problem.

This bill specifically prohibits knowingly sending misleading or inaccurate caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value. Deception with intent is our target. We drafted and amended the language carefully to ensure that we only prohibit those practices intending to do harm.

There are sometimes legitimate reasons why someone may need to manipulate caller ID. For example, domestic violence shelters often alter their caller ID information to simply protect the safety of victims of violence. Furthermore, a wide array of legitimate uses of caller ID management technologies exists today, and this bill protects those legitimate business practices.

For example, caller ID management services provide a local presence for teleservices and collection companies. These calling services companies are regulated by the Federal Trade Commission and Federal Communications Commission, which require commercial callers to project a caller ID that can be called back. This bill is not intended to target lawful practices protecting people from harm or serving a legitimate business interest.

My colleagues, this is a good piece of bipartisan consumer protection legislation. And while I normally hesitate to take the Senate's work product without some kind of amendment on our side, I want to thank my friends on both sides of the Capitol, on both sides of the aisle here in the House of Representatives, including the many chairmen over the years, including Mr. BARTON, Mr. DINGELL, Mr. WAXMAN, Mr. MARKEY, and Mr. BOUCHER, as well as Mr. UPTON, who was also chairman of this subcommittee. I also want to thank this Congress' lead sponsor and hardworking member of the Energy and Commerce Committee, my good friend, ELIOT ENGEL from New York.

I support this legislation.

I reserve the balance of my time.

Mr. BOUCHER. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. ENGEL), the chief sponsor of the House companion measure.

Mr. ENGEL. I thank my friend from Virginia for yielding to me. I want to thank my friend from Florida (Mr. STEARNS) for his kind words, and also the kind words of the gentleman from Virginia.

I rise today in strong support of my legislation, the Truth in Caller ID Act. This is about as bipartisan as a bill can be. We have passed this bill several times in the House only to have it not move through the other body, and I am delighted that for the first time we have had it passed in the other body. So now when we pass this bill, hopefully the President will sign it into law and we will finally have a stoppage of this fraud which is being perpetrated on the American people.

I originally read an article in the newspaper on a plane talking about what was going on with spoofing, and I remember thinking, This is ridiculous. How could this be legal? How could we just turn a blind eye to it? And then I realized we needed to have legislation.

We have been supported every step of the way, again, bipartisan, by the gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON). We have all worked on this legislation together.

I introduced the bill because we need an immediate change in our laws to help prevent identity theft, to crack down on fraudulent phone calls, and to protect legitimate uses of caller ID technology. We have seen, as my colleagues have mentioned, a large number of cases of caller ID fraud leading to illegal or even violent activities.

Last year, the New York City Police Department uncovered a massive identity theft ring where criminals stole more than $15 million from over 6,000 people. They were able to perpetrate this fraud in many instances by using caller ID spoofing. In another case, a person in New York called a pregnant woman who she viewed as a romantic rival, spoofing the phone number of the woman's pharmacist. She tricked the woman into taking a drug used to cause abortions.

Caller ID fraud has even been used to prank call the constituents of a Member of this body, with the caller ID readout saying it came from that Member's office. Just imagine if people committed this fraud in the days leading up to a close election. You could see it. You spoof a number of your political opponent. You call someone at 3 o'clock in the morning. You say something obnoxious on the phone, and then the constituents are angry and are not going to vote for that person. This is all perfectly legal, up until the passage of this bill.

I have said again and again that one of the most troubling aspects of caller ID spoofing is not simply that it is legal. What disturbs me is how incredibly easy it is to carry out caller ID fraud. Criminals use a tool called a spoof card to change their outgoing caller ID; so you could look at it and see a phone number, any phone number that that person wants to put down, they can do it, and the person getting the call has totally no idea where it is coming from or thinks it is coming from a place where obviously it is not.

This technology can even be used to disguise someone's voice in order to trick people. If it is a man doing it, he can change the voice to sound like a woman, and vice versa. So it can be done completely to trick people.

This can trick people, corporations, or even banks. Imagine senior citizens who see the number of their bank put up when they take a look and see who is calling and it is fraudulent, or their doctor or their pharmacist or a close family member or a close family friend. This is terrible, and this tool is available to anyone with access to a Web browser. So, as was pointed out, the technology has gotten easier and easier for someone to perpetrate this fraud.

This legislation will outlaw caller ID spoofing when the intent is to defraud, cause harm, or lawfully obtain anything of value. And, let me say, we have had many, many hearings on this bill.

The reason why this outlaws caller ID spoofing when the intent is to defraud or cause harm, as my colleagues have pointed out, we put that in the bill based on the hearings we had because we don't want some legitimate reasons to use this technology to be outlawed. So it is only outlawed when the intent is to defraud, cause harm, or wrongfully obtain anything of value.

We won't be challenging the rulings for legitimate uses of this technology. For example, domestic abuse shelters will still be able to change the number on caller ID to protect the occupants of the shelter. We have some scrambling right here in the Capitol, as a result, to protect very important private numbers. That won't be changed.

So, again, I am pleased this bill passed the House in the 109th and 110th Congress. This is now the 111th. We are about to pass it. The Senate has done it for the first time. So I look forward to the President signing this bill into law.

I strongly urge my colleagues to support the Truth in Caller ID Act to outlaw this type of fraud once and for all. I thank my colleagues again for their support.

Mr. STEARNS. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY), the distinguished Member who also has been active in this, in fact has had a separate bill, so he was sort of a forerunner on this issue.

Mr. TIM MURPHY of Pennsylvania. I thank my colleague.

I rise to speak about S. 30, the Truth in Caller ID Act of 2009, addressing the serious problem of caller ID fraud that allows a caller to hide his true identity. They do this through Web sites that will let you choose any number to show up on the caller ID. The Web sites even offer options to disguise your voice, such as making a man or woman's voice appear as the opposite gender.

I am glad to see the Senate is finally acting on this issue that I first raised in 2006 when I introduced H.R. 5304, known as the PHONE Act, or the Preventing Harassment Through Outbound Number Enforcement Act.

□ 1230

My bill passed the full House on December 9, 2006, and while it didn't make it through the Senate, several Members of the House pressed on. Congressman BOBBY SCOTT and I reintroduced this legislation in the 110th and 111th Congresses. The House passed the bill in March of 2007 by a vote of 413–1. And I would like to thank my colleagues in this session of Congress for overwhelmingly voting in favor of the Murphy-Scott Phone Act a year ago tomorrow by a vote of 418–1.

Caller ID can have legitimate uses to protect victims or when law enforcement are trying to track down criminals. However, here we are concerned about illegitimate uses.

When I first introduced the PHONE Act, several problems were already beginning to emerge. On one level friends were using it to prank others, and just to annoy them. On another level, there were famous or infamous cases where the harassment involved well-known personalities, * * *.

But caller ID is also employed for more sinister reasons. My own office experienced this when an organization used a phony caller ID system to make it appear as though my congressional office was calling constituents. Constituents were understandably puzzled and annoyed when bombarded by these calls. Unfortunately, we were not able to track down the perpetrators. In total, at least 42 House Republicans from 14 States were targeted in their home districts by similar harassing phone calls using call spoofing. Although I believe that action alone constitutes a fraud in posing as a Federal elected official's office, that is not the worst case.

In several cases, police and FBI have been subjected to so-called ''swatting'' calls when a caller uses another person's caller ID to phone the authorities, report a fake crime in progress, which draws a police and SWAT team response. Luckily, no one has been harmed in these cases, but you can imagine the potential tragedy when a team of police with guns drawn respond to the scene of what they believe is a dangerous ongoing crime. It is more than just a false alarm to a fire department. It can lead to serious injury for police and the community, and that is why we must pass this bill before someone gets hurt.

Here are some other reports. A woman from Pennsylvania discovered her phone number was appearing on other people's caller ID, and it was being used as a vehicle to harass people.

In the wake of the Haitian earthquake, the Virginia State Police warned citizens to be vigilant against scam artists using phony caller ID numbers to obtain donations. Under such circumstances, perpetrators can pose as a legitimate charity to fool others into donating to an illegitimate account.

We have heard of cases where a county courthouse number appears as citizens are told they missed jury duty and are asked to give their credit card number to pay a fine.

Last December, another case in Pennsylvania occurred when a woman claimed to have shot her baby. It turned out to be a hoax. The police and detectives were forced to spend their Christmas Day wasting valuable resources investigating what was presented as a gruesome crime that was never committed.

These are just a few examples, and if we do not enact this legislation into law, I worry we will read about many more cases of call spoofing, including some that will inevitably end in tragedy.

Because of these, I am still a supporter of enhanced penalties when caller ID spoofing is used in the commission of a crime. Therefore, we should not stop with this legislation. The Truth in Caller ID Act provides for civil penalties under the Communications Act of 1934. My legislation, the PHONE Act, which has already passed the full House, provides for criminal penalties under the U.S. criminal code.

But I want to thank Congressman ENGEL and Congressman BARTON for being leaders on this issue in the House of Representatives in introducing their version. I urge my colleagues to vote for the Truth in Caller ID Act, and let's hope in the future we can pass enhanced criminal penalties such as those in my PHONE Act bill. Together these pieces of legislation would create a comprehensive set of civil and criminal penalties to enable us to effectively combat caller ID spoofing.

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

Mr. STEARNS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the distinguished ranking member of the Energy and Commerce Committee.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I rise for two reasons. One is to support this bill. I actually thought it had passed and become law because we pass it every Congress, and it goes to the other body and falls in the black hole over there. So it is good to know they are bringing it

back. I am told there is a two-word difference between the bill we sent to them and the bill they sent back to us. I guess we can accept a two-word difference. It is long overdue. I want to compliment Mr. ENGEL for his hard work and perseverance. And Mr. STEARNS, Mr. MURPHY, and others on our side, and of course Mr. BOUCHER for this bill.

The primary reason I am speaking, though, is I want to say some heartfelt words about Mr. BOUCHER. Sooner or later this Congress is going to mercifully adjourn—and I hope sooner rather than later—and so I don't know how many more times we are going to be on the floor, but I wanted to say in his presence what an honor it has been to serve with him. He is a workhorse Member; he is not a show horse. He doesn't get involved in many, many issues, but when he does get involved, he is meticulous in his preparation and understanding of the issue and his detail. His word is gold. It is always good.

On the rare occasions when I have disagreed with him, I have always been impressed with the merit of his argument. He will be missed. He is one of the Members who makes the institution work. He does it behind the scenes. He is always thoughtful and prepared and just a joy to work with.

I had the privilege to work with him when I was the subcommittee chairman and he was my ranking member, and I have had the privilege to work with him while he has been in the majority as a subcommittee chairman. The work he and Congressman STEARNS have done on privacy is work that will bear fruit in the coming Congress I hope. The work he has done on energy issues and telecommunications issues, his work will stand the test of time.

I do want to support the pending legislation, but I also wanted to give the gentleman from Virginia my very best wishes. I look forward to working with him in whatever endeavors he pursues in the future. It has really been an honor to serve with you in the House of Representatives.

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

I just would echo the comments of the gentleman from Texas (Mr. BARTON) about Mr. BOUCHER. Having worked with Mr. BOUCHER, he and I have cosponsored many bills across the spectrum. Recently, obviously, we worked on privacy together. And also, we tried to hammer out some kind of compromise on net neutrality. Net neutrality was difficult because the FCC was attempting to move it to title II. We finally got them to stop that. In fact, the court stopped them. Again, Mr. BOUCHER and I met with the stakeholders across the board to try and see if there was some compromise. We both agreed it should be under the jurisdiction of the Congress and not the FCC acting unilaterally, as it appears they are going to do on December 21 when they vote for net neutrality, which I am against. But I have to admire Mr. BOUCHER's perseverance, his stick-to-it-ness, whether it is trying to reach compromise on legislation, or his reach-out to stakeholders. For example, on the privacy, he had a comment period on his privacy bill that I cosponsored, which is unusual around here. A lot of times we say we don't have an opportunity to even read the bills before they are voted on, but in fact, under Mr. BOUCHER's leadership as chairman of the Telecommunications Subcommittee, he took his bill and offered it as a draft to get stakeholders' comments. That is a credit to his leadership.

As Mr. BARTON pointed out, we are going to miss him. He provides strong, competent leadership, and we wish him well and thank him for his service.

I yield back the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself the balance of my time, and I do so to thank my colleagues, the gentleman from Texas (Mr. BARTON) and my friend, the gentleman from Florida (Mr. STEARNS) for their kind remarks. I want to thank them for the collaboration and the friendship over the years.

Mr. STEARNS and I have participated together in developing the ideas, developing the legislation, and bringing through the Communications Subcommittee all of the bills that that subcommittee acted on legislatively in this 2-year session of Congress. I appreciate so much the good ideas Mr. STEARNS shared, his work with me to ensure that all of our legislation had a bipartisan foundation, and I think what we were able to do was a better product by virtue of the fact that we worked together. It has been a privilege over the years to have the opportunity to work with him. He is an outstanding legislator.

□ 1240

I want to commend him for the fine work that he has done, and mostly thank him for the friendship and the partnership that he and I have enjoyed together. And I want to say thank you to my friend (Mr. BARTON) with whom I was privileged to work on the Energy Subcommittee when he was chairman and I was the ranking member. During the time he chaired the full committee, I had the privilege of participating with him on a whole range of undertakings, and I admire very much the leadership that he has provided as chairman of the Energy and Commerce Committee and more recently as the ranking member.

So, thank you, gentlemen, for those kind remarks. I am humbled by them. And I appreciate your taking very much the occasion of our debate on this legislation to make those comments.

Madam Speaker, I have no further requests for time, I urge support of the legislation currently pending, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. RICHARDSON). The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 30.

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

A motion to reconsider was laid on the table.

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. 5446 and House Resolution 1759, both by the yeas and nays; Senate Concurrent Resolution 72 and H.R. 6205, both de novo.

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

HARRY T. AND HARRIETTE MOORE POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5446) to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office,'' on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 631]

YEAS—405

Ackerman	Boehner	Castle
Aderholt	Bono Mack	Castor (FL)
Adler (NJ)	Boozman	Chaffetz
Akin	Boren	Chandler
Alexander	Boswell	Childers
Altmire	Boucher	Chu
Andrews	Boustany	Clarke
Arcuri	Boyd	Clay
Austria	Brady (PA)	Cleaver
Baca	Brady (TX)	Clyburn
Bachmann	Braley (IA)	Coble
Bachus	Bright	Coffman (CO)
Baird	Broun (GA)	Cohen
Baldwin	Brown (SC)	Cole
Barrett (SC)	Brown, Corrine	Conaway
Barrow	Buchanan	Connolly (VA)
Bartlett	Burgess	Conyers
Barton (TX)	Burton (IN)	Cooper
Bean	Butterfield	Costa
Becerra	Buyer	Costello
Berkley	Calvert	Courtney
Berman	Camp	Crenshaw
Biggert	Campbell	Critz
Bilbray	Cao	Crowley
Bilirakis	Capito	Cuellar
Bishop (GA)	Capps	Culberson
Bishop (NY)	Capuano	Cummings
Bishop (UT)	Carnahan	Dahlkemper
Blackburn	Carney	Davis (CA)
Blumenauer	Carson (IN)	Davis (KY)
Blunt	Carter	Davis (TN)
Boccieri	Cassidy	DeFazio

DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—28

Berry
Bonner
Brown-Waite, Ginny
Cantor
Cardoza
Davis (AL)
Davis (IL)
Fallin
Granger
Griffith
Herseth Sandlin
Klein (FL)
Marchant
Markey (CO)
McCarthy (NY)
McMorris Rodgers
Meek (FL)
Owens
Pomeroy
Putnam
Radanovich
Rodriguez
Salazar
Shadegg
Space
Wamp
Woolsey
Young (FL)

□ 1312

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF ED ROBERTS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1759) expressing support for designation of January 23rd as ''Ed Roberts Day,'' 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 gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 8, answered ''present'' 4, not voting 31, as follows:

[Roll No. 632]

YEAS—390

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

NAYS—8

Broun (GA)
Campbell
Chaffetz
Paul
Rooney
Sensenbrenner
Stearns
Young (AK)

ANSWERED ''PRESENT''—4

Cassidy
Foxx
Poe (TX)
Roe (TN)

NOT VOTING—31

Berry
Bonner
Brown-Waite, Ginny
Cardoza
Davis (AL)
Davis (IL)
Deutch
Fallin
Granger
Griffith
Gutierrez
Herseth Sandlin
Klein (FL)
Marchant
Markey (CO)
McCarthy (NY)
McMorris Rodgers
Melancon
Owens
Pomeroy
Price (GA)
Putnam
Radanovich
Rodriguez
Salazar
Shadegg
Sherman
Space
Wamp
Woolsey
Young (FL)

□ 1322

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

45TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

The SPEAKER pro tempore (Mr. ENGEL). The unfinished business is the question on suspending the rules and concurring in the concurrent resolution (S. Con. Res. 72) recognizing the 45th anniversary of the White House Fellows Program.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the concurrent resolution.

The question was taken.

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

RECORDED VOTE

Ms. ROYBAL-ALLARD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 401, noes 1, not voting 31, as follows:

[Roll No. 633]

AYES—401

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

NOES—1

Young (AK)

NOT VOTING—31

Berry
Bonner
Brown-Waite, Ginny
Cardoza
Davis (AL)
Davis (IL)
Deutch
Ellison
Fallin
Granger
Green, Al
Griffith
Herseth Sandlin
Klein (FL)
Lee (NY)
Marchant
Markey (CO)
McCarthy (NY)
McMorris Rodgers
Melancon
Owens
Pomeroy
Putnam
Radanovich
Salazar
Shadegg
Space
Wamp
Waters
Woolsey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1331

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVATE ISAAC T. CORTES POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6205) to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 34, as follows:

[Roll No. 634]

YEAS—399

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean

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

NOT VOTING—34

Ackerman
Berry
Bonner
Brown-Waite, Ginny
Cardoza
Davis (AL)
Davis (IL)
Deutch
Fallin
Granger
Griffith
Halvorson
Herseth Sandlin
Klein (FL)
Lee (NY)
Lewis (GA)
Marchant
Markey (CO)
McCarthy (NY)
McMorris Rodgers
Melancon
Owens
Paul
Pomeroy
Putnam
Radanovich
Salazar
Schakowsky
Scott (VA)
Shadegg
Space
Wamp
Woolsey
Young (FL)

□ 1340

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2965, DON'T ASK, DON'T TELL REPEAL ACT OF 2010

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111–681) on the resolution (H. Res. 1764) providing for consideration of the Senate amendment to the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1764 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1764

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and Minority Leader or their respective designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore (Ms. RICHARDSON). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1764 provides for the consideration of the Senate amendment to H.R. 2965. The rule makes in order a motion offered by the majority leader or his designee that the House concur in the Senate amendment to H.R. 2965 with the amendment printed in the report of the Committee on Rules accompanying the resolution.

The rule provides 1 hour of debate on the motion, equally divided and controlled by the majority leader and the minority leader or their designees. The rule waives all points of order against any consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read.

Madam Speaker, the time has come to repeal Don't Ask, Don't Tell. We have all heard the arguments, the studies have been done, the hearings have been held. The men and women of the armed services have spoken and their leaders have weighed in. There are no more excuses not to repeal this misguided and harmful policy. There is no more reason to delay this any longer.

Madam Speaker, for gay military personnel, how much longer do we ask them to serve in silence? How many more hearings and how much more testimony are we going to ask for before we finally hear what the men and women of the armed services have just said: Just because someone is gay doesn't make them any less of a soldier, an airman, or a marine. How many more times can we just turn our

heads and pretend we don't see the damage this policy has done to our military's readiness? And how many more competent, talented, and patriotic men and women will be kicked out of the service before this misguided and harmful policy is forever banned?

The results of the comprehensive study of the attitudes of military personnel are clear and unequivocal. It is right here.

When they were asked about the actual experience of serving in a unit with a coworker who they believed was gay or lesbian, 92 percent of the military personnel stated that the unit's ability to work together was ''very good,'' ''good,'' or ''neither good nor poor.''

When they were asked about having a servicemember in their immediate unit who said he or she was gay and how that would affect the unit's ability to work together to get the job done, 70 percent of servicemembers predicted it would have a positive, mixed, or absolutely no effect.

And it is not just the men and women who make up our Armed Forces who are urging Congress to repeal Don't Ask, Don't Tell; our Nation's military leaders also believe it needs to come to an end.

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, said, ''I would not recommend repeal of this law if I did not believe in my soul that it was the right thing to do for our military, for our Nation, and for our collective honor.''

General George Casey, the Chief of Staff of the Army, agreed. He said repeal would not keep us from ''accomplishing our worldwide missions, including combat operations.''

And Admiral Gary Roughead, Chief of Naval Operations, said it simply: Repeal ''will not fundamentally change who we are and what we do.''

Madam Speaker, it wasn't that long ago that women were not allowed to serve in combat. When we debated ending that ban, the critics predicted that if women were allowed in combat, that discipline would dissolve and unit cohesion would crumble.

□ 1350

The arguments against allowing women to serve in combat were exactly the same thing they are saying today about allowing openly gay men and women to serve. But after two wars where women have served ably and bravely alongside their male counterparts, none of the grim predictions came true. Discipline has not suffered and our military remains the most powerful and effective in the world.

But those two wars have taken their toll on recruitment and retention. Our military is stretched thin, and the last thing we should be doing is kicking out skilled men and women who volunteered to fight for our country. The last thing we should be doing is telling troops that we have spent hundreds of thousands of dollars to train that we don't need your services anymore. And the last thing we should be doing is saying that no matter how brave you are, no matter how dedicated you are, no matter how patriotic you are, if you are gay, we don't want you to wear the uniform of the United States.

Don't Ask, Don't Tell threatens our national security. It wastes precious resources, and it goes against the values that our military embodies: integrity, honesty, and loyalty.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my good friend, Ms. PINGREE from Maine, for the time and I yield myself such time as I may consume.

Madam Speaker, we find ourselves back on the House floor with yet another closed rule. In fact, we haven't seen a single open rule during this entire 111th Congress. I never thought that I would see that, Madam Speaker, an entire Congress pass without a single open rule.

Just 3 hours ago, the Rules Committee was meeting on the underlying legislation before us today. This is the fifth rule since the election that will deny the minority the basic right even to a motion to recommit; in other words, one alternative piece of legislation which, when we were in the majority, we wrote into the rules that the minority would have that right. And since the election last month, this majority has brought five, with this piece of legislation, five bills to the floor with a rule denying even that right to the minority—a motion to recommit.

The underlying legislation repealing the so-called Don't Ask, Don't Tell policy is important and should be considered carefully and thoroughly by all Members of this House. As a matter of fact, Madam Speaker, when I spoke on this issue on this House floor in May of this year, I said and I reiterate what I said at that time: Sexual preference should not even be a point of reference when judging individuals.

This is an important issue. Unfortunately, the congressional majority has not even held a hearing in the Armed Services Committee since the Pentagon released their findings of this recent survey. Members of the House on both sides of the aisle support our men and women in uniform. Ensuring the best equipment, improving quality of life for soldiers and their families, and doing everything we can to increase pay are issues of the utmost importance.

For 48 consecutive years, Congress has provided the necessary oversight by passing the Defense authorization bill always in a bipartisan manner. This record of effective congressional review is in jeopardy as we proceed along with what could be the final week of this Congress. I think the majority continues to give insufficient seriousness to even important issues such as this by closing the process.

The repeal of Don't Ask, Don't Tell is not a policy decision to be taken lightly. The Defense Department, at the urging of Congress, spent 10 months collecting and analyzing survey responses from the men and women in our Armed Forces. I believe that analysis, nearly 15,000 pages in length, including the direct comments of our troops, should be the most important factor in considering this legislation, in considering how we vote on this legislation.

The Department of Defense released the results of their survey on November 30, just over 2 weeks ago. Now the majority is asking Congress to move forward in a manner that denies the committees of jurisdiction any review, that denies input from the membership of this House, that takes the product of the Speaker and the author of the legislation and forces the House to vote on it without any ability to offer alternatives, not even a motion to recommit.

I think we do a disservice to this body when we do not debate and deliberate with transparency. That lack of transparency has been standard procedure for the past 4 years. Obviously, we should not expect this congressional majority to change in its final weeks, but that will change in the next Congress.

I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. Madam Speaker, I thank the gentlelady from Maine, and I rise today in support of the repeal of the Don't Ask, Don't Tell policy. This resolution would ensure that the military has the ability to implement the recommendation from its recently completed study.

Don't Ask, Don't Tell is the only law in the country that requires people to be dishonest or be fired if they choose to be honest. It is a law that not only is hurtful to the men and women who put themselves at risk serving in our Armed Forces, but it is a law that is hurtful to our national security.

A recent study found that 8 out of 10 Americans support repealing the law. Regardless of their political party, people recognize that on the battlefield, it doesn't matter if a soldier is gay or straight. What matters is they get the job done and protect our country.

Now, it is important to remember that we already debated and voted on this issue early this summer. We passed an amendment with the same repeal language for the defense authorization bill. At that time, there were some Members on both sides of the aisle who weren't yet ready to support this repeal. They wanted to see an extensive report by the military that was scheduled to come out December 1. It came out one day earlier.

I personally didn't feel we needed to see that report. I was already convinced this would not be a threat to military readiness and would, in fact, enhance military readiness due in part

to the fact that we have discharged over 13,000 people from our military—after taxpayer money went for their training—for reasons totally unrelated to their performance, not to mention countless others who didn't reenlist or left the military because of this policy.

But I do understand that many Members of this body from both sides of the aisle, including the chairman of the committee of jurisdiction, wanted to see that report in December. Well, the report has come out, and it is very clear with regard to the fact that—no surprise to me, but hopefully of consolation to those who were concerned—this change in policy does not represent a threat to the security of this country. And, in fact, there were several practical suggestions about how to implement this change.

In addition, the Chairman of the Joint Chiefs and the Secretary of Defense have been very clear that they want to see this policy legislatively repealed. Why? Because repeal of this policy is inevitable. It is a question of when, not if. There are already several court orders in various stages of appeal, and the military feels that to plan for it with us in this legislative process is better for military readiness than running the greater risk of having an instant court order, an on-or-off-again court order, which is also a possibility, which would prevent the regular military planning process from going forward. The sooner we act, the better. Despite our differences, it is clear that leaving it up to the courts is the wrong way to go about it.

In 1993, the passage of Don't Ask, Don't Tell was the result of a political process, not a military one. Today, we can rectify that, remove the statutory requirement and allow the military to do the right thing to improve military readiness and enhance the protection of our country.

□ 1400

Let us be on the right side of history and finally move forward with repealing Don't Ask, Don't Tell today.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 4 minutes to my friend from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I thank the gentleman for yielding, and I rise in strong opposition to the rule providing for the repeal of Don't Ask, Don't Tell. While the majority in the Senate has been unsuccessful in repealing Don't Ask, Don't Tell through the National Defense Authorization Act, my colleagues on the Democratic side of the aisle seem adamant to move forward on this issue by bringing it to the floor again today yet as a standalone bill. What we should be doing, Madam Speaker, is prioritizing the need of our troops over the majority's social agenda and considering the National Defense Authorization Act free of the Don't Ask, Don't Tell language.

I know that advocates for this repeal will point to the survey of U.S. Armed Forces personnel regarding the repeal of Don't Ask, Don't Tell, that 9-month survey that my friend from Florida just mentioned. But let me point to a specific statistic from that survey as well. Question No. 71, posed to active servicemembers with combat deployment experience since September 11, 2001, asks how unit effectiveness would be different if Don't Ask, Don't Tell was repealed. An overwhelming number of those surveyed for this question answered that unit effectiveness for those stationed in a field environment or out at sea would be ''negatively'' or ''very negatively'' harmed by repeal.

Madam Speaker, this survey, which does not present any benefits of appeal and it solely focuses on the mitigation of consequences, has not presented a clear path forward to the question of repealing this ban. The Marine Corps Commandant, General James Amos, stated that repealing the 17-year-old ban could endanger troops and cost lives. Air Force Chief of Staff General Norton Schwartz echoed concerns about overturning the ban in the midst of the global war on terror.

Here is a quote from General George Casey, the Army's Chief of Staff: I believe that the implementation of repeal in the near term will, number one, add another level of stress to an already stretched force; number two, be more difficult in our combat arms units; and three, be more difficult for the Army than the report suggests.

Because military leaders must fulfill their constitutional mission of defending America, their views on how to achieve optimal readiness should be respected.

Madam Speaker, none—not one—of our service branch chiefs have outright endorsed repealing Don't Ask, Don't Tell. Similar apprehensions have been noted by the American Legion; over 1,500 retired flag and general officers, and countless others. Clearly, the Democrats believe they know better.

Madam Speaker, I do not believe that now, in the midst of the war on terror, is the time to rewrite tested military policies. Indeed, the Armed Forces is a special institution that must be free to hold itself to stricter rules than those observed by the rest of our society. And for these reasons, Madam Speaker, I urge all of my colleagues, oppose this rule and oppose the underlying bill.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, I rise today in support of the rule to consider legislation to repeal Don't Ask, Don't Tell. Don't Ask, Don't Tell remains the only Federal statute mandating a person be fired based on their sexual orientation. Since this policy became law, thousands of dedicated, honorable Americans have suffered discrimination while thousands more have been discouraged from even considering the military.

Don't Ask, Don't Tell removes highly skilled, trained, and capable servicemembers out of the military at a time when we need them for multiple deployments to fight two wars. The Pentagon's study of Don't Ask, Don't Tell confirms that lifting the ban on gay and lesbian soldiers serving openly in our Armed Forces would not adversely affect our military's readiness or strain unit cohesion. This report comes months after nearly a year of careful study, which included thousands of conversations with enlisted personnel, officers, and military commanders. The results of this study showed that there is no longer any remaining justification to continue a policy that prevents some of the best and brightest from honorably serving in our Armed Forces.

All our servicemen and -women are first and foremost Americans, protecting freedom throughout the world. We cannot with any true moral standing discriminate against distinguished and courageous members of our own military for the simple act of living an authentic life.

I urge my colleagues to vote ''yes'' on the rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Speaker, as a rookie Member of Congress in 1993, I sat in the most junior chair on the Armed Services Committee, just a few feet from the witness table. Then-Chairman of the Joint Chiefs of Staff Colin Powell testified in favor of the Clinton administration's Don't Ask, Don't Tell policy. I drew a deep breath and told the general that I thought Don't Ask, Don't Tell was unconstitutional. I opposed it then, and I oppose it now.

No good has ever come of Don't Ask, Don't Tell, but a lot of bad has. I applaud the personal courage of current Joint Chiefs of Staff Chairman Admiral Mike Mullen, who told Congress: ''It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.'' He's right, and I have no doubt that America's Armed Forces will successfully transition to a post-DADT world.

We are hearing the alarms sounded again about morality and morale, unit cohesion, and readiness. Similar arguments were made when women and African Americans were allowed to serve alongside our white male counterparts. But be it race, gender, or now sexual orientation, our military services have demonstrated the commitment and ability to integrate and embrace diversity.

As a female officer in the 10th Mountain Division blogged recently, ''when

DADT is overturned, I won't be jumping out of my office screaming ''I'm gay'' to the world. I'll just be able to breathe easier knowing my job is secure.'' With this historic vote we will allow all service women and men who are holding their breath in fear—not of an enemy but of a law created by Congress—to breathe easier.

Vote ''aye'' on the rule and on the Hoyer-Murphy bill.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlewoman for yielding.

Madam Speaker, I rise today to speak in support of the repeal of the Don't Ask, Don't Tell policy. Don't Ask, Don't Tell is outdated and it's unjust. No individual, especially those in our Armed Forces, should be discriminated against based on their sexual orientation. Our troops fight honorably to protect our freedom. The least we can do in return is to fight to protect their rights as well. My hometown of Las Vegas includes Nellis Air Force Base, one of the premier Air Force bases in our country. The courageous men and women who serve there deserve to be treated with equality and dignity and respect that they have earned, regardless of their sexual orientation. This unjust and unnecessary practice is also unsound. It makes no sense for our military to discharge valuable servicemembers, especially during a time of war, when we need every American who is willing and able to serve.

My colleagues, this is the easy stuff. If a fellow citizen volunteers to don the uniform of our Nation, no matter what their sexual orientation, we shouldn't be discriminating against them. We should be thanking them for their service. Don't Ask, Don't Tell does nothing to contribute to our national security. It only undermines the strength and integrity of our military. I believe this practice should be repealed immediately. Its time has come, not only for the benefit of our Armed Services, but for the security of our great Nation.

□ 1410

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, I rise today in support of H.R. 2965, a bill to repeal Don't Ask, Don't Tell.

Just blocks from the Capitol lies Congressional Cemetery, the resting place of Technical Sergeant Leonard Matlovich, recipient of the Bronze Star and the Purple Heart for his distinguished service in Vietnam.

As a race relations instructor, he was instrumental in helping the military overcome its past legacy of racial discrimination, but he fell victim to the Air Force's discriminatory ban on gays, and was discharged in 1975.

His headstone, in sight of the Capitol dome, reads: ''When I was in the military, they gave me a medal for killing two men and a discharge for loving one.''

As a great man said, when it comes to matters of equality, it is always the right time to do the right thing. Our national security and our country's long-standing history of fairness depend on it.

Today, I urge my colleagues to do the right thing and support the rule and H.R. 2965 for Technical Sergeant Matlovich and for our country.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentlewoman.

When we get to this bill, I will address the substance of the argument that the presence of someone like me will so destabilize our brave young men and women that they will be unable to do their duty. I regard that as bigoted nonsense, but I will address that more fully then. Now I want to talk about this bizarre procedural argument that we are somehow not following regular order.

Madam Speaker, this amendment came up in regular order after the committee considered the bill and on the floor of the House, and it was adopted in a full vote on the floor of the House after a lot of debate. The Senate in committee adopted this amendment. The notion that the committees of jurisdiction have been deprived here is delusional.

What is the procedural situation?

In effect, the House, in a full debate on the floor, adopted this amendment. It went to the Senate. In the Senate, the Senate committee, by a majority, voted for this amendment and then voted the bill out, and it has been stopped twice narrowly by filibusters. It has gotten 57 and 58 votes. It has been openly debated. The notion that somehow we are the ones who are ignoring procedure when this bill gets a majority in the House after open debate on the floor, a majority in the Senate committee and is then filibustered makes no sense.

Beyond that, we are told, Well, don't hold up the big bill. Well, that's the point of this. Don't Ask, Don't Tell was originally adopted as part of the military authorization of 1993. That is the regular order we followed. Some have now said, Well, the Senate would like to be able to vote on this differently from the main bill. I will say that many of us do not think that we should adopt anything until we do the whole package, but if they want to do these two bills, that's fine. Sending this over will facilitate the Senate's procedures.

Now, there are at least five Republican Senators who previously, most of them, voted against cloture—one, Senator COLLINS, voted for it—who said they couldn't vote for it for various procedural reasons dealing with the tax agreement and the funding of the government. Those are on their way to being resolved.

What we do when we pass this bill today is to say to the Senate, Okay, you can do it one way or the other as long as you do both, and we give them the chance—they already had the tax issue—to have resolved the CR, and we will get a vote on the merits. What this does is to strip away any excuse that any member of the Senate—Democrat or Republican—will have for not voting on the merits. We will strip away any justification for a filibuster.

The gentleman says, Well, we didn't go through regular order. We've gone through triple regular order. A vote on the House floor is part of the consideration of the bill, as is a vote in the Senate committee and two efforts to break the filibuster.

So the question is: Do you allow a filibuster and some procedural excuses from Senators who say they're for this repeal but didn't get to vote for it? We are giving them a chance to do that. This is something many House Members have long wanted to do in addition to repealing Don't Ask, Don't Tell—getting the Senate to stand up and take a straight up-or-down vote. That is what we are enabling.

So I hope that the rule passes and that the bill separately passes as well.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Madam Speaker, with regard to this point of process, which I think is important, I think it is appropriate to point out the facts.

The majority is bringing this legislation to the floor by using another bill as a shell. The other bill is the Small Business Innovation Research Reauthorization bill, which has extraordinary bipartisan support. So the rule before us now strikes that legislation, which is job growth legislation—again, supported overwhelmingly in a bipartisan fashion in this House. It strikes that, and it inserts into that shell this legislation, the repeal of Don't Ask, Don't Tell. The Don't Ask, Don't Tell legislation is not germane to the underlying legislation, so it is anything but regular order.

The House Armed Services Committee has absolutely no jurisdiction over that Small Business bill which the majority is using as a shell to move this legislation out of regular order in order to prohibit transparency, even a motion to recommit. The majority has demonstrated time and time again its willingness to eliminate transparency, to void regular order and to take steps totally out of regular order as it is doing again today.

So I think this is important to put on the record because this legislation, which by the way is important, as I said before, I think deserves to be

treated with respect, consideration, and the membership of this House I think deserves to be listened to, to be heard on legislation, especially legislation which evidently is important, like the one we are discussing today.

I wanted to put that on the record.

I reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Speaker, I rise today in strong support of Representative MURPHY and Leader HOYER's Don't Ask, Don't Tell Repeal Act of 2010.

As a former lieutenant commander in the United States Navy Reserve, I served with many brave, patriotic and dedicated men and women who were always ready to serve their country. I was never concerned about their sexual orientation, just their ability to serve the United States honorably.

This discriminatory policy has forfeited over 13,000 able-bodied men and women from our military while our Nation is engaged in two wars. It has wasted over 1 billion taxpayer dollars through investigations, legal proceedings, and the wasted training of fighter pilots, mechanics, medics, and even Arabic translators. Military leaders have testified before Congress in support of repeal, and Defense Secretary Gates has said ''this can be done and should be done.''

We must allow our military to recruit and retain any qualified, patriotic, and courageous American who wants to serve our country. This is why I urge passage of the rule and of the Don't Ask, Don't Tell Repeal Act of 2010.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

□ 1420

Ms. JACKSON LEE of Texas. It is moving to hear so many members of the United States military who have served to come to the floor and honor the flag and the Constitution. I am not that fortunate to have served in the military, but I have been fortunate enough to travel amongst them, from Kosovo to Bosnia to Albania to Iraq and Afghanistan and places within those nations.

If I have observed anything, I've observed men and women who understand the Constitution and take great pride to be on the front lines to be able to say I live in a country of the land of the free and the brave. So I ask today for my colleagues to be brave and to be free, to unshackle themselves of stereotypes and to repeal the Don't Ask, Don't Tell and vote for the rule and the underlying bill. Do it in the name of my constituent, a young man by the name of Seaman Provost, who had the unfortunate circumstances, I believe, of being considered someone who should not be in the United States Navy.

So I would call upon those who believe in the Constitution, who understand the values of the human rights campaign of which I had the privilege of receiving notice from, that we all are created equal. It is time now to bust this unholy alliance that suggests that men and women whose lifestyles may be different do not have a heart of gold and love the red, white, and blue. It is time now for America to be America.

Let us vote for this rule and the underlying bill. Let us vote for freedom, stand for all those who are brave, and stand behind the men and women who fight for us every single day of their lives. God bless all of them.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, in closing, I thank my friend from Maine for her courtesy and all who have come to the floor to debate this rule, and I reiterate, I think it's an important piece of legislation. I'm sorry that it was brought forth in an unnecessarily closed manner. I think the legislation deserves more respect, and I think especially the membership of this House deserves more respect.

I have, again, gratitude for all of my colleagues, and I thank them for having participated in this debate.

I yield back the balance of my time.

Ms. PINGREE of Maine. Madam Speaker, I thank my colleague from the other side of the aisle for his thoughts on this. He is getting ready to retire from Congress. I just want to say I've enjoyed the opportunity to serve with you on the Rules Committee and appreciate the thoughts that you bring to the issues that we have to deal with.

With all due respect, I want to disagree with you on one particular point, as I did earlier today in the Rules Committee, and without questioning anything that you had to say today, I will just say that my experience on the issue of Don't Ask, Don't Tell, whether it is in my position as sitting on the Armed Services Committee or with some of my colleagues on the Rules Committee who have questioned this particular bill as the vehicle, it is that sometimes I feel like people run out of substantive arguments and they go back to process and they say, well, there's something flawed about this process.

And over the 2 years that I've been here, as we've been discussing a piece of law that no longer works, that shouldn't be in law, that tells people who are gay or lesbian that they can no longer serve in the military, for the past 2 years I've heard over and over again, well, this is a flawed process. So as a member of the Armed Services Committee, even though my good colleague Representative DAVIS held subcommittee hearings on this issue and there has been much discussion of it, people said, well, we need to have a study.

So we got a study. It's a big, thick study. It's a wonderfully well done study. And when I had the opportunity just recently to sit in the Armed Services Committee and listen to the briefing by the military on the work they had done in this study, I have to say, I was very impressed. Something like 150,000 people participated in this study.

Now, as my colleagues know, when you're a Member of Congress or a challenger running, you're lucky to have a poll of 400 people to get their opinion. Maybe sometimes the poll has 1,200 people, and we take that as public opinion. But to ask 150,000 people associated with the military ''So, what do you think?'' is quite a piece of work, and I think it was extremely well done.

And what we were told that day in that briefing was, overwhelmingly, our military said, you know, this is just fine. Many of them said: I already know. I serve alongside someone who is a gay or lesbian member of the Armed Forces, and it doesn't bother us at all. It isn't interfering with unit cohesion or ability to fight. People said overwhelmingly: What is taking so long to change this particular provision in law?

So I look at this and I say, whether it's the vehicle that we have before us today—today, in some of the final days of this particular Congress; today, when I think we have to act with urgency here in this House, after this House has already passed this provision in the Armed Services, in the general authorization bill. We've already passed this once. We've already shown that we're in favor of this here. Now, it's back again as a standalone to make it easier for people to deal with this as an individual issue—to go back and say, well, it's all about the process, we haven't had enough process, I think shows great disrespect to those members of our Armed Forces and their leaders who have said to us: Change this, move on, get it done so those 13,000-plus soldiers who have already been told they can no longer serve in the military and we've lost the ability to use their expertise and their training and their patriotism in this country, to say that there isn't urgency today and that we should somehow allow a process argument to slow us down doesn't make any sense.

I very proudly come from the State of Maine, and something like 17 percent of our 1.3 million residents in Maine are either active duty personnel or veterans who have served this country. I go home and hear the people in my district, whether I'm talking to a veterans' group or someone who's just on their way to serve in Afghanistan or coming back or, sadly, sometimes at a military funeral, and people do not say to me, Prohibit gay and lesbian people from serving in the military. People say to me in my home district, in a State that is very dedicated to serving the military, they say, When are you going to end this process of discrimination?

And that is why we are here today. We are here to move forward on the

rule, to make sure that once and for all this House of Representatives, again, says let's repeal Don't Ask, Don't Tell. Let's remember that this is a threat to our national security, that it's disrespectful of all of our soldiers, that there will be no serious ramifications of this, and, in fact, our military is very well prepared and has good plans to move forward on this transition.

Let's remember that this is the patriotic vote to cast. This is the vote for national security. This is the vote for respecting the investment we have made in these soldiers. This is a vote for increasing recruitment in our military and saying to even more members who currently are unsure, saying to more people who are unsure about whether or not they should join the military because they worry that they would possibly be out of it, it's a measure to say we welcome you.

Our Armed Services will be only stronger when we repeal Don't Ask, Don't Tell. I encourage my colleagues to vote ''yes'' on the previous question and on the rule.

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

The previous question was ordered.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. 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, this 15-minute vote on adopting House Resolution 1764 will be followed by 5-minute votes on suspending the rules and adopting House Resolution 1761 and House Resolution 1743.

The vote was taken by electronic device, and there were—yeas 232, nays 180, not voting 21, as follows:

[Roll No. 635]

YEAS—232

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

NAYS—180

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

NOT VOTING—21

Baird
Berkley
Berry
Bonner
Buyer
Cardoza
Conyers
Davis (IL)
Granger
Herseth Sandlin
Marchant
McCarthy (NY)
McMahon
McMorris Rodgers
Putnam
Radanovich
Rush
Shadegg
Space
Wamp
Woolsey

□ 1459

Messrs. LoBIONDO, BRADY of Texas, LEWIS of California, CULBERSON, and BURGESS changed their vote from ''yea'' to ''nay.''

Mr. GUTIERREZ and Ms. WATERS changed their vote from ''nay'' to ''yea.''

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.

CONGRATULATING CAMERON NEWTON ON WINNING THE 2010 HEISMAN TROPHY

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1761) congratulating Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 15, answered ''present'' 18, not voting 22, as follows:

[Roll No. 636]

YEAS—378

Ackerman
Aderholt
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler

Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Mack
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—15

Adler (NJ)
Boustany
Braley (IA)
Broun (GA)
Campbell
Chaffetz
Graves (GA)
Heller
Larsen (WA)
Lipinski
Lungren, Daniel E.
Murphy (NY)
Owens
Rahall
Rooney

ANSWERED ''PRESENT''—18

Akin
Arcuri
Bilbray
Blackburn
Cao
Carney
DeFazio
Djou
Gingrey (GA)
Harper
Lummis
Maffei
Manzullo
Minnick
Poe (TX)
Roe (TN)
Terry
Visclosky

NOT VOTING—22

Baird
Berry
Bishop (NY)
Bonner
Buyer
Cardoza
Cuellar
Davis (IL)
Deutch
Granger
Herseth Sandlin
Marchant
McCarthy (NY)
McMahon
McMorris Rodgers
Pascrell
Putnam
Radanovich
Shadegg
Space
Wamp
Woolsey

□ 1508

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING GERDA WEISSMANN KLEIN ON PRESIDENTIAL MEDAL OF FREEDOM

The SPEAKER pro tempore (Ms. LEE of California). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1743) congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, 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.

RECORDED VOTE

Mr. TONKO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 0, not voting 26, as follows:

[Roll No. 637]

AYES—407

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel

Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Baird
Barrett (SC)
Berry
Bilirakis
Bishop (NY)
Boehner
Bonner
Bright
Cardoza
Davis (AL)
Davis (IL)
Dicks
Granger
Herseth Sandlin
Higgins
Marchant
McCarthy (NY)
McMahon
McMorris Rodgers
Olson
Putnam
Radanovich
Shadegg
Space
Wamp
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1516

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HERSETH SANDLIN. Mr. Speaker, I regret that I was unable to participate in seven votes on the floor of the House of Representatives today due to a family medical issue.

The first vote was H.R. 5546—To designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office." Had I been present, I would have voted "yea" on that question.

The second vote was H. Res. 1759—Expressing support for designation of January 23rd as "Ed Roberts Day." Had I been present, I would have voted "yea" on that question.

The third vote was S. Con. Res. 72—A concurrent resolution recognizing the 45th anniversary of the White House Fellows Program. Had I been present, I would have voted "yea" on that question.

The fourth vote was H.R. 6205—To designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the "Private Isaac T. Cortes Post Office." Had I been present, I would have voted "yea" on that question.

The fifth vote was H. Res. 1764—Rule providing for consideration of H.R. 2965—Don't Ask, Don't Tell Repeal Act of 2010. Had I been present, I would have voted "nay" on that question.

The sixth vote was H. Res. 1761—Congratulating Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States. Had I been present, I would have voted "yea" on that question.

The seventh vote was H. Res. 1743—Congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom. Had I been present, I would have voted "yea" on that question.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the House amendment to the Senate amendment with an amendment on a bill of the House of the following title:

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

□ 1520

DON'T ASK, DON'T TELL REPEAL ACT OF 2010

Mrs. DAVIS of California. Mr. Speaker, pursuant to House Resolution 1764, I call up the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SBIR/STTR Reauthorization Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS
Sec. 101. Extension of termination dates.
Sec. 102. Status of the Office of Technology.
Sec. 103. SBIR allocation increase.
Sec. 104. STTR allocation increase.
Sec. 105. SBIR and STTR award levels.
Sec. 106. Agency and program collaboration.
Sec. 107. Elimination of Phase II invitations.
Sec. 108. Majority-venture investments in SBIR firms.
Sec. 109. SBIR and STTR special acquisition preference.
Sec. 110. Collaborating with Federal laboratories and research and development centers.
Sec. 111. Notice requirement.
TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES
Sec. 201. Rural and State outreach.
Sec. 202. SBIR–STEM Workforce Development Grant Pilot Program.
Sec. 203. Technical assistance for awardees.
Sec. 204. Commercialization program at Department of Defense.
Sec. 205. Commercialization Pilot Program for civilian agencies.
Sec. 206. Nanotechnology initiative.
Sec. 207. Accelerating cures.
TITLE III—OVERSIGHT AND EVALUATION
Sec. 301. Streamlining annual evaluation requirements.
Sec. 302. Data collection from agencies for SBIR.
Sec. 303. Data collection from agencies for STTR.
Sec. 304. Public database.
Sec. 305. Government database.
Sec. 306. Accuracy in funding base calculations.
Sec. 307. Continued evaluation by the National Academy of Sciences.
Sec. 308. Technology insertion reporting requirements.
Sec. 309. Intellectual property protections.
TITLE IV—POLICY DIRECTIVES
Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.
Sec. 402. Priorities for certain research initiatives.
Sec. 403. Report on SBIR and STTR program goals.
Sec. 404. Competitive selection procedures for SBIR and STTR programs.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2017''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2017''.

SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(C), each'';

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

(C) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

''(D) not less than 2.6 percent of such budget in fiscal year 2011;

''(E) not less than 2.7 percent of such budget in fiscal year 2012;

''(F) not less than 2.8 percent of such budget in fiscal year 2013;

''(G) not less than 2.9 percent of such budget in fiscal year 2014;

''(H) not less than 3.0 percent of such budget in fiscal year 2015;

''(I) not less than 3.1 percent of such budget in fiscal year 2016;

''(J) not less than 3.2 percent of such budget in fiscal year 2017;

''(K) not less than 3.3 percent of such budget in fiscal year 2018;

''(L) not less than 3.4 percent of such budget in fiscal year 2019; and

''(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter,''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

''(i) may not be used for new Phase I or Phase II awards; and

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''.

SEC. 104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2010;''; and

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2011 and 2012;

''(iv) 0.5 percent for fiscal years 2013 and 2014; and

''(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.''.

SEC. 105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''5 years'' and inserting ''3 years''; and

(B) by striking ''and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''an adjustment for inflation of such amounts once every 3 years,''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON CERTAIN AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the award amount;

''(C) the identity and location of each award recipient; and

''(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

SEC. 106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASES.—

''(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).''.

SEC. 107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9)—

(I) by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(10) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(11) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(12) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I'';

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking ''first phase and second phase SBIR awards'' and inserting ''Phase I and Phase II SBIR awards (as defined in section 9(e))''; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking ''first phase awards'' and all that follows and inserting ''Phase I awards (as defined in section 9(e));''; and

(ii) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(3) in section 35(c)(2)(B)(vii), by striking ''third phase'' and inserting ''Phase III''.

SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

''(1) AUTHORITY AND DETERMINATION.—

''(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

''(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

''(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

''(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

''(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

''(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 201. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH.—

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

''(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

''(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

''(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

''(B) shall not exceed $100,000.

''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

''(A) the establishment of quantifiable performance goals, including goals relating to—

''(i) the number of program awards under this section made to small business concerns in the State; and

''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.''.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking ''2001 through 2005'' each place it appears and inserting ''2010 through 2014''; and

(2) in subsection (i), by striking ''2005'' and inserting ''2014''.

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''50 cents'' and inserting ''35 cents''; and

(B) in clause (iii), by striking ''75 cents'' and inserting ''50 cents'';

(2) in subparagraph (B), by striking ''50 cents'' and inserting ''35 cents'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

''(C) RURAL AREAS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

''(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.''.

SEC. 202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2011;

(2) $1,000,000 for fiscal year 2012;

(3) $1,000,000 for fiscal year 2013;

(4) $1,000,000 for fiscal year 2014; and

(5) $1,000,000 for fiscal year 2015.

SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking ''$4,000'' and inserting ''$5,000'';

(2) in subparagraph (B)—

(A) by striking '', with funds available from their SBIR awards,''; and

(B) by striking ''$4,000 per year'' and inserting ''$5,000 per year, which shall be in addition to the amount of the recipient's award''; and

(3) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'';

(2) by striking ''Pilot'' each place that term appears;

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) in paragraph (4), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(6) by striking paragraph (6);

(7) by redesignating paragraph (5) as paragraph (7); and

(8) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.''.

SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee

on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

''(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

''(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(8) DEFINITIONS.—In this section—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. 206. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.''.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

''(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.''.

TITLE III—OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State described in subsection (u)(3); and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and

(4) in paragraph (10), as so redesignated, by adding ''and'' at the end.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;'';

(2) in paragraph (14), by adding ''and'' at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

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

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

''(C) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;''; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end, the following:

''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

''(v) the number of employees of the applicant;''.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

''(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances

against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.''.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mrs. Davis of California moves that the House concur in the Senate amendment to H.R. 2965 with an amendment.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Don't Ask, Don't Tell Repeal Act of 2010''.

SEC. 2. DEPARTMENT OF DEFENSE POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF A REPEAL OF 10 U.S.C. 654.—

(1) IN GENERAL.—On March 2, 2010, the Secretary of Defense issued a memorandum directing the Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. 654 (section 654 of title 10, United States Code).

(2) OBJECTIVES AND SCOPE OF REVIEW.—The Terms of Reference accompanying the Secretary's memorandum established the following objectives and scope of the ordered review:

(A) Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.

(B) Determine leadership, guidance, and training on standards of conduct and new policies.

(C) Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.

(D) Recommend appropriate changes (if any) to the Uniform Code of Military Justice.

(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. 654 and proposals that may be introduced in the Congress during the period of the review.

(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

(G) Evaluate the issues raised in ongoing litigation involving 10 U.S.C. 654.

(b) EFFECTIVE DATE.—The amendments made by subsection (f) shall take effect 60 days after the date on which the last of the following occurs:

(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, stating each of the following:

(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report's proposed plan of action.

(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of ''marriage'' and ''spouse'' and referred to as the ''Defense of Marriage Act'').

(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

(f) TREATMENT OF 1993 POLICY.—

(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

(A) by striking section 654; and

(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).

The SPEAKER pro tempore. Pursuant to House Resolution 1764, the motion shall be debatable for 1 hour equally divided and controlled by the majority leader and the minority leader or their respective designees.

The gentlewoman from California (Mrs. DAVIS) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in which to insert extraneous material in the RECORD on the bill.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of repealing Don't Ask, Don't Tell. Conditions for repeal have been met, due diligence has been done, and the time to act is here. Regardless of what critics say, the issue before us has been debated in Congress and reviewed by the Department of Defense. In fact, Mr. Speaker, Members of the House have debated repeal for some time.

My subcommittee held hearings on the issue. The first of those hearings

was on July 23, 2008, actually 15 years after the decision had originally been made, and the second hearing on March 3, 2010. Every Member of this body was welcome to attend, though few Republicans actually made the effort to be there at that time. For those of you who weren't there, the takeaway from these hearings was that the current policy does not work for our Armed Forces and is inconsistent with American values. Next, this House approved language identical to what is before us today as part of a National Defense Authorization Act. And, finally, Mr. Speaker, the DOT completed its study on implementing repeal, confirming our troops are ready for repeal.

Seventy percent of the force said that repealing Don't Ask, Don't Tell will have a positive, a mixed, or no effect on our military. Seventy-four percent of spouses said that open service would not change their support for their spouse staying in the military. And 92 percent of uniformed personnel who believe they have served with a gay servicemember in the past said their unit's ability to work together was ''very good.'' Eighty-nine percent of our warriors on the front line said the same. In short, servicemembers and their spouses have essentially the same view as the American public: Men and women in uniform who are gay should be allowed to serve openly.

And I want to add, Mr. Speaker, that our top civilian and military officials agree with the American people. Secretary of Defense Gates has clearly stated that, with careful preparation, repeal poses a low risk to the readiness and effectiveness of our forces. Admiral Mullen shares that view. In fact, Secretary Gates' biggest concern is if Congress doesn't act to repeal, then he points out the courts will impose this change on the Department of Defense, leaving little or no time to prepare and implement the transition plan properly.

Now, it is true that the military service chiefs have reservations about the timing of repeal, but they all believe that the language has adequate safeguards and, when implemented correctly, repeal can be done and effectively managed. They acknowledge that leadership at all levels will be key. And I have great confidence, Mr. Speaker, in the leaders who are serving in our military and their professionalism. After all, we trust them with decisions about our Nation's safety. We can trust them to put this transition into practice in a way that addresses the needs of our force. But we cannot begin this new challenge until we repeal Don't Ask, Don't Tell.

Mr. Speaker, change is never easy, but it is rarely as necessary as it is today. In addition to clear statistics in favor of repeal, the survey responses got to what is at the heart of this issue—fairness.

Gay and lesbian personnel have the same values, the same values toward their service as servicemembers at large. What is that? It is love of their country. It is honor. It is respect. It is integrity and service over self. In the words of one gay servicemember, repeal would simply ''take the knife out of my back. You have no idea what it is like to have to serve in silence.''

If we miss this opportunity to repeal this law, history will judge us poorly for the damage we have done to our Nation and our military. I urge Members of this House to be on the right side of history and help end Don't Ask, Don't Tell.

I reserve the balance of my time.

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

Mr. Speaker, here we go again. The Speaker has decided once more to subvert regular order in the waning moments of this Congress and bring to the floor, without consideration by the House Armed Services Committee, a repeal of Don't Ask, Don't Tell. Now, anyone who was listening earlier to the Clerk read the bill that we're discussing, it is titled: To amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program. Now, if you're confused, what they have done is taken this bill that has passed, stripped out what is in it, and put in Don't Ask, Don't Tell.

So today, we will debate this standalone measure as a priority when we don't even have a National Defense Authorization Act for 2011. The other body cannot get its work done on that bill because the leadership there placed a higher priority on repeal of Don't Ask, Don't Tell to satisfy a Democratic liberal agenda than on passing a bill designed to meet the broad needs and requirements of our national defense, as well as those men and women serving in harm's way. Where are the Democrat priorities? Certainly not with overall national security.

□ 1530

So now we are here to consider the bill by Representative MURPHY. It comes to the floor without the committee of jurisdiction being able to formally examine the issues raised by the recent DOD report and without the ability to question witnesses who would have to implement the repeal. Essentially, the high-handed actions of the Speaker forcing this bill to the floor deny the House an ability to assess the conflicting testimony and conclusions that have been rendered by the report.

So I rise in strong opposition to Mr. MURPHY's bill. He and the House leadership behind him bring it to the floor in complete disregard for the testimony of three of the four service chiefs and their warning that implementing repeal now will have a negative impact on combat readiness.

Let me repeat that: three of the four service chiefs warn that implementing repeal now will have a negative impact on combat readiness. This is something we all ought to pay serious attention to when we are fighting two wars.

Beyond that, Mr. MURPHY brings this bill to the floor in complete disregard for the concerns of those actually in the combat arms. As we now know: ''The percentage of the overall U.S. military that predicts negative or very negative effects on their units' ability to 'work together to get the job done' is 30 percent; the percentage for the Marine Corps is 43 percent, 48 percent within Army combat units, and 58 percent within Marine combat units.''

If there is any doubt about where the service chiefs stand, here is what they told the other body.

General Casey, the Army Chief of Staff said, ''I think it's important that we're clear about the military risks. Implementation of the repeal of Don't Ask, Don't Tell would be a major cultural and policy change in the middle of a war. It would be implemented by a force and leaders that are already stretched by the cumulative effects of almost a decade of war and by a force in which substantial numbers of soldiers perceive that repeal will have a negative impact on unit effectiveness and morale, and that implementation will be difficult.

''I believe that the implementation of repeal in the near term will: one, add another level of stress to an already stretched force; two, be more difficult in our combat arms units; and, three, be more difficult for the Army than the report suggests.

''My recommendation would be that implementation begins when our singular focus is no longer on combat operations or preparing units for combat. I would not recommend going forward at this time given everything that the Army has on its plate.''

The commandant of the Marine Corps, General James Amos, said, ''If the law is changed, it has strong potential for disruption at the small unit level as it will no doubt divert leadership attention away from an almost singular focus on preparing units for combat.

''Based on what I know about the very tough fight in Afghanistan, the almost singular focus of our combat forces as they train up and deploy to the theater, the necessary tightly woven culture of those combat forces that we are asking so much of at this time and, finally, the direct feedback from the survey, my recommendation is that we should not implement repeal at this time.

''What I would want to have with regards to implementation would be a period of time where our marines are no longer focused primarily on combat. All I am asking is for the opportunity to implement repeal at a time and choosing when my marines are not singularly, tightly focused on what they're doing in a very deadly environment.''

Just yesterday, General Amos made clear just how strongly he feels about the threat that repeal poses to marines

in combat, warning ''that a change in current policy could pose a deadly distraction on the Afghanistan battlefield. I don't want to lose any marines to a distraction,'' Amos said in a roundtable discussion with journalists at the Pentagon.

Air Force Chief of Staff, General Norman Schwartz, said, ''I do not agree with the study assessment that the short-term risk to military effectiveness is low. Our officer and NCO leaders in Afghanistan in particular are carrying a heavy load. I remain concerned with the study assessment that the risk of repeal of military effectiveness in Afghanistan is low. That assessment is too optimistic. I suggested that perhaps full implementation could occur in 2012, but I do not think it prudent to seek full implementation in the near term. I think that is too risky.''

These are three of our four Chiefs of Staff.

I strongly believe that we ought to listen closely to the concerns of the service chiefs if for no other reason than they are closer to the sense and pulse of their services than are the Secretary of Defense or the Chairman of the Joint Chiefs. Moreover, I also believe that we should do nothing at this time to threaten the readiness of the soldiers, sailors, airmen, and marines who are at the tip of the spear, fighting America's two wars. So I urge all Members to vote ''no'' on the Murphy bill.

I reserve the balance of my time.

Mrs. DAVIS of California. I just want to remind my colleague that it is not until the Secretary, the Chairman of the Joint Chiefs, and the President actually certify that the military is prepared to move forward. There is no defined timeline that this, in fact, would go forward.

Mr. Speaker, I yield 1 minute to my friend and colleague, the distinguished Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentlelady from California, the distinguished chair of the subcommittee on this important issue, for her leadership on ending discrimination in how we defend our country.

I want to salute STENY HOYER, our distinguished Democratic leader, for bringing this bill to the floor expeditiously. It has been a long time in coming, but now is the time for us to act.

I want to thank BARNEY FRANK, JARED POLIS and TAMMY BALDWIN for their leadership, and I particularly want to acknowledge PATRICK MURPHY.

Before Congressman MURPHY came to the House, he was a captain in the 82nd Airborne Division and served as a paratrooper in the Iraq war. He understands the issues of military readiness and has demonstrated tremendous leadership on the battlefield and on repealing a policy that does not contribute to our national security.

Mr. Speaker, today we have an opportunity to vote once again to close the door on a fundamental unfairness in our Nation. Repealing the discriminatory Don't Ask, Don't Tell policy will honor the service and sacrifices of all who have dedicated their lives to protecting the American people.

We know that our first responsibility as elected officials is to take an oath of office to protect and defend. Our first responsibility is to protect the American people, to keep them safe; and we should honor the service of all who want to contribute to that security.

As Admiral Mullen, the current Chairman of the Joint Chiefs, said on this issue of Don't Ask, Don't Tell, ''It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. We have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me, personally,'' he said, ''it comes down to integrity—theirs as individuals and ours as institutions.''

Seventeen years ago, in 1993, many of us were on the floor of the House. I had the privilege of speaking, calling on the President to act definitively to lift the ban that keeps patriotic Americans from serving in the U.S. Armed Forces because of their sexual orientation. Instead, we enacted the unfortunate Don't Ask, Don't Tell policy that has resulted in more than 13,000 men and women in uniform being discharged from the military. Thousands more have decided not to reenlist. Fighter pilots, infantry officers, Arabic translators, and other specialists have been discharged at a time when our Nation is fighting two wars.

Don't Ask, Don't Tell doesn't contribute to our national security, and it contravenes our American values. That is why the support for its repeal has come from every corner of our country.

Just today, ABC News and The Washington Post released a poll showing that eight in 10 Americans say gays and lesbians who do publicly disclose their sexual orientation should be allowed to serve in the military.

□ 1540

Recently, the Department of Defense issued its report about the impact of repealing the discriminatory policy, and as the gentlelady from California, Congresswoman DAVIS, has said, the action that we took earlier on the DOD bill was an action predicated on what that report would say, and that report reached the same conclusions that a majority of men and women in uniform and a majority of Americans have reached: repealing Don't Ask, Don't Tell makes for good public policy—and a stronger America, I add.

But to do so, to repeal Don't Ask, Don't Tell, Congress must act quickly. Since courts are now reviewing the Don't Ask, Don't Tell policy, both Secretary Gates, the Secretary of Defense, and Chairman Mullen, Chairman of the Joint Chiefs, have called for Congress to act on the repeal with urgency so that they can begin to carry out the repeal in a consistent manner.

In May, with an over 40-vote majority, this House of Representatives passed legislation to end this discriminatory policy. It was a proud day for so many of us in the House, and today, by acting again, it is my hope that we will encourage the Senate to take long overdue action.

America has always been the land of the free and the home of the brave. We are so because our brave men and women in uniform protect us. Let us honor their sacrifice, their service, their patriotism by recommitting to the values that they fight for on the battlefield.

I urge my colleagues to end discrimination wherever it exists in our country. I urge them to end discrimination in the military, to make America safer.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the ranking member on the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. Mr. Speaker, first off, in the final days of the lame duck Congress, I'm grateful to join with Ranking Member BUCK MCKEON of California to be concerned that this outgoing majority has placed a higher priority on repealing Don't Ask, Don't Tell than actually passing the National Defense Authorization Act for fiscal year 2011. The Defense authorization bill is crucial for our national security concerns and the welfare of our troops and their families and our veterans, and has passed for 48 consecutive years in some form.

Secondly, as the son of a World War II veteran and as a 31-year veteran of the Army myself, and as the proud father of four sons currently serving in the military, I oppose attempts to repeal Don't Ask, Don't Tell in the waning days of this lame duck Congress. The service chiefs have urged caution because of the strenuous demands placed on our forces by the wars in Afghanistan and Iraq.

In fact, the Army Chief of Staff General George Casey, who I trained with at Indiantown Gap, Pennsylvania, said the following: I would not recommend going forward at this time given everything that the Army has on its plate. I believe that it would increase the risk to our soldiers, particularly on our soldiers that are deployed in combat.

Commandant of the Marine Corps General James Amos had this to say: If the law is changed, it has strong potential for disruption at the small unit level. My recommendation is that we should not implement repeal at this time.

Air Force Chief of Staff General Norman Schwartz: I do not think it prudent to seek full implementation in the near term. I think that is too risky.

Mr. Speaker, the committees of jurisdiction must have time to examine the 370-page Pentagon report on the impact a repeal of Don't Ask, Don't Tell has on military readiness, recruitment, and morale. This attempt to hastily repeal in the final days of the defeated 111th

Congress undermines that process, and I urge my colleagues to oppose this legislation in favor of hearings next year on this important issue.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Arkansas, Dr. SNYDER.

Mr. SNYDER. Mr. Speaker, my 4-year-old, Penn, and his three 2-year-old brothers, Aubrey, Wyatt and Sullivan, like all babies came into a changing world and a changing America, and yet, in many ways, when it comes to issues regarding gays and lesbians, America has already changed.

Their first home church would not have thrived without the labor and dedication of numerous gay and lesbian members. My babies' child care benefited from several loving lesbian couples who have given their time to help my wife and I raise them. And America benefits from gay and lesbian pilots, doctors, scientists, diplomats, teachers, police, firemen, EMTs, construction workers, many other professions, somehow all without distracting each other.

Implementation by repeal, not by court case, allows the military to catch up with the rest of America, and my boys and all American children will be the better for it.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes at this time to the gentleman from Maryland (Mr. BARTLETT), the ranking member on the Air and Land Subcommittee of the Armed Services Committee.

Mr. BARTLETT. Thank you for yielding.

You know, one might wonder at our priorities. For the first time in many, many years we don't have time to pass the defense authorization bill, but we do have time to pull out a very controversial part of that, whose passage no one will argue will be particularly helpful; it just not might be too hurtful. Maybe that's just one more reason that our favorable ratings are somewhere between used car salesmen and embezzlers.

There's an old adage that says he who frames the question determines the answer. I've had a graduate course in statistics, and I would certainly not have reached the conclusion that was reached from these studies. Thirty percent, almost twice that in the marines, said this would be a bad idea. Fifteen to 20 percent said it would be a good idea. You can't take that 50, 55 percent that didn't have an opinion and say that it is a good idea. If I was a statistician, I would have reached exactly the opposite conclusion. Thirty percent is a huge number.

You know, no matter what my sexual orientation was, I couldn't be supportive of this. We are now fighting two wars. Three of the Joint Chiefs have said this would be very disruptive. There are a lot of prejudices out there. I might regret those prejudices, but I can't change the fact that they are out there. This will not be conducive to good order and discipline. This is not the time to do it. There may come a time when we can do this in the military. This is not that time.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise in strong support of this legislation to repeal the Don't Ask, Don't Tell policy, and just want to make four quick arguments on that.

First of all to process. This policy was implemented 17 years ago. We have studied it and argued about it ever since, particularly in the last 4 years. Under Mrs. DAVIS' leadership, we have had hearings and discussions and reports. To argue that we are rushing this and haven't thought about it completely misses the point. Argue against the bill if you want, but don't hide behind process. We have studied this to death. It is time to act. That's number one.

Number two, gays and lesbians serve in the military right now. I doubt you could find a member of the military who doesn't know a gay or lesbian that they have served with, and yet somehow they have functioned and functioned quite well. This is not introducing a brand new concept.

And third, I want you to think about the basic issue that we should always consider in the Armed Services Committee: How do the policies we advance make us safer? How does it make it safer to drive out of the military thousands of people who are serving and serving our country well? It doesn't. It takes away experience, expertise, and talent at a time when we desperately need that.

And lastly, the 55 percent of the people in the survey did not offer no opinion. They offered the opinion that they did not think it would matter one way or the other to repeal that law. So that 55 percent very clearly has no problem with serving with gays and lesbians.

It is way past time to repeal this law, strengthen our military, and allow gays and lesbians to serve our country and serve it with the bravery that they have shown along with all others who have served in our military.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN), the ranking member on the Seapower Subcommittee of the Armed Services Committee.

Mr. AKIN. Mr. Speaker, some years ago, actually quite a number of years ago, I had an opportunity to witness a total solar eclipse. That's one of those things that happens very, very rarely, and it was quite interesting.

Today, we are looking at another eclipse of reason that happens very rarely. For the first time in 48 or 50 years, the Congress has not passed a defense bill. Now, that's pretty serious. First time in 48 years, no defense bill passed by Congress? And what are we here today debating? Well, we're debating the idea of an imposition of somebody's social agenda that they want to impose on the military.

□ 1550

Now, it would seem to me that, at a minimum, we would want to get down a defense bill before we got into this particular topic. But no. No. Instead, we are going to try to impose something when we are fighting two wars.

Now, the fact of the matter is that, in spite of a survey that tried to be biased, you have got the leadership of the Air Force under General Schwartz, leadership of the Army under General Casey, and the Marine Corps leadership under General Amos all opposing making these changes on this instantaneous basis, imposing this social agenda. So we are kind of experiencing something like a solar eclipse, except it's an eclipse of reason, an eclipse of common sense.

I have three sons that have served in the Marine Corps, two who are currently in the Marines. Let me tell you, even with the somewhat biased survey, 60 percent of the marines said, This is a lousy idea. So why are we, at the end of the year, when we have no defense bill at all, going to get into some of these social agendas? I don't think this is what the American public expects Congress to be doing. I don't think we need an eclipse of reason.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, in considering their position on this bill, Members should listen to echoes of the past, leaders of the present, and consider some of the voices that have been silenced.

In the past, we heard: If we should end this policy, it would be a tragedy of great proportion. I fear such a step, if it were carried out, would remove our armed establishments from the ranks of history's greatest.

Those are the words of a Senator in 1948 talking about the racial integration of the Armed Forces. They have thrived and prospered since that just and correct decision.

Listen to this voice: In the almost 17 years since Don't Ask, Don't Tell was passed, attitudes and circumstances have changed. I fully support the approach presented by Secretary of Defense Gates and Admiral Mullen.

That is the voice of Colin Powell, retired Chairman of the Joint Chiefs of Staff, someone who experienced all of the unit leadership that is being talked about on the floor this afternoon.

But I would invite the Members to think about the silenced voices, the men and women who lay maimed in military hospitals who are gays and lesbians who serve their country and have been injured in the process, who cannot have a visit from the person they love most in the world because they have had to hide their sexual orientation. And I would urge the Members to consider the silenced voices who lay beneath white crosses in Arlington Cemetery and other places of

honor around the world who are gays and lesbians who have been dishonored by a practice that says they cannot say who they really are, even though they love their country so very much.

This is an act of basic decency and justice. It is long overdue. For those who quarrel with time, I agree with their quarrel. This should have been done a long time ago. Today is the day to get it done. Vote ''yes.''

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the House Armed Services Committee.

Mr. LAMBORN. Mr. Speaker, I, too, am concerned that repealing Don't Ask, Don't Tell would have a profoundly negative impact on the readiness and effectiveness of our military, particularly among our front line combat forces.

The survey on repealing Don't Ask, Don't Tell was fundamentally and fatally flawed. Rather than asking the question, ''Should the law be repealed?'' the survey presumed the law would be repealed and asked how our Armed Forces would implement the presumed change.

Additionally, the survey itself did reveal widespread concern about overturning the current law, but it was largely ignored in the mainstream press coverage. For example, among personnel who said they have served with a leader they believed to be gay or lesbian, 91 percent of those who believe that this affected unit morale say that that impact was mostly negative or mixed. And 67 percent of our frontline marines in combat arms units predict working alongside a gay man or lesbian will have a negative effect on their unit's effectiveness. We must not ignore the concerns of our combat troops.

It is irresponsible for Congress to fail to pass a defense authorization bill for the first time in almost 50 years and at the last minute attempt to pass a repeal of Don't Ask, Don't Tell to placate some within the Democrat liberal base. The United States military is not the place for social experiments. Congress should be focused on ensuring that our brave men and women have the resources they need to protect this great Nation instead of playing partisan games.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman for yielding.

Mr. Speaker, I have just two words for you, my colleagues: Vote ''yes.'' Vote ''yes'' to end Don't Ask, Don't Tell. Vote ''yes'' for equality. Vote ''yes'' because discrimination is wrong. Vote ''yes'' because you believe in the beloved community. Vote ''yes'' because every American deserves the right to serve their country. Vote ''yes'' because the survey results are in, and the military leaders say the troops are ready. Vote ''yes'' because, on the battlefield, it does not matter who you love only the flag that you serve. Whatever your reason, I urge you, each of you, each of my colleagues to vote ''yes'' today, to stand up and vote ''yes.'' Vote ''yes'' because it is the right thing to do.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the House Armed Services Committee.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, I believe all of us in this room would agree that we have the greatest people in our military forces in the world. They are the most noble human beings in our society. Of all of the things that people do for their fellow human beings, putting themselves at risk for the freedom and the happiness and the hope of others is the most profound gift that they can give to humanity. And I believe that our first purpose here in this place is to make sure that those who protect freedom for the rest of us are the most well equipped, have the most important materials and weapons and capability that we can possibly give them.

Now, I know that there are some major disagreements on this policy, but the leaders of our military have only asked us one thing, and that is to give them time to study and to deal with this in their own way, in a way that will not be forcing this policy upon them in a time of war. And, Mr. Speaker, I would suggest that we owe them that courtesy. They do not fight because they hate the enemy. They fight because they love all of us. And if we cannot give them the simple courtesy of giving them the opportunity to deal with this policy in the way that they have asked, then I really feel like we have failed them.

Mr. Speaker, I would also say that the military leaders, most of the commanding generals have said that this will weaken our military, that it will reduce the chances of them being able to fight and win wars with the least casualties on both sides. I believe that they are in a position to know whether that's true or not, Mr. Speaker. And I would just urge this body to give those who give it all for us the chance to deal with this in their own way and vote ''no'' on this repeal.

Mrs. DAVIS of California. I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

□ 1600

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of the Don't Ask, Don't Tell Repeal Act of 2010. At no time, and certainly not at this critical juncture, should we be discharging qualified, dedicated servicemembers who are willing to defend, serve and sacrifice for our Nation.

The Don't Ask, Don't Tell policy is clearly costly, it is ineffective, and it is unnecessary. And to repeal clearly makes a major step toward ending discrimination.

The Department of Defense's own internal survey has contradicted the claim that allowing gays and lesbians to serve openly would somehow hamper military readiness. It would not. And my own sense of morality clearly contradicts the idea that there's anything justifiable about forcing these men and women to live in the shadows or to live a lie just to serve.

At a time when our Nation's military needs dedicated Americans to serve, with great professionalism, with all the years of training that has been invested in them, clearly this is the time now where we should repeal this policy.

I want to thank Congressman MURPHY for bringing this critical issue to the floor and urge my fellow Members to support our national security by repealing this outdated and damaging policy.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), a gentleman who joined the Marine Corps right after 9/11, had two deployments to Iraq, one in Afghanistan in combat situations. We are very proud of this young man.

Mr. HUNTER. I thank the gentleman from California and the ranking member of the Armed Services Committee.

Let me start out by just quoting General Amos a couple of days ago, who's the commandant of the United States Marine Corps on this issue. He said, I don't want to lose any marines to distraction. I don't want any marines that I'm visiting at Bethesda Naval Medical Center with no legs to be the result of any type of distraction. Mistakes and distractions cost marine lives. So there's that quote from the commandant of the United States Marine Corps.

The marines are in part of the heaviest fight in Afghanistan right now, and they were part of the heaviest fight in Iraq between 2004 and 2007.

This is not about race. Let me quote somebody else that we've been quoting, General Colin Powell. General Colin Powell said, skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient, but invalid, argument.

It sounds good to make that comparison, that this is like the civil rights movement. The problem is the United States military is not the YMCA. It's something special. And the reason that we have the greatest military in the world is because of the way that it is right now. We are not Great Britain. We are not France; we are not Germany. And the Marine Corps is not the place, nor is the Army, the Navy, or the Air Force the place to have a liberal crusade to create a utopia of a liberal agenda and experiment during wartime while men and women are risking their lives.

And probably the biggest problem that I have with this repeal is this: the

Armed Services Committee, in the 2 years that I've been in Congress—my last tour was in Afghanistan in 2007. Since I've been in Congress we have not had one full committee hearing on IEDs, on roadside bombs, the number one casualty in Afghanistan.

This is a distraction. This is a waste of time, and every second I think that we spend on this and that Secretary Gates spends on this and that our commanding generals spend on this issue means that we're not focusing on what's important, that is, winning the mission in Afghanistan and bringing our men and women home safely. This does neither.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional minute.

Mr. HUNTER. This does not help us win the mission in Afghanistan. This does not bring our men and women home any faster. It doesn't keep them safer. It doesn't build better weapons. It doesn't train them any better. It's nothing but a distraction right now so we don't focus on the real issue at hand, which is winning in Iraq and Afghanistan and bringing our men and women home. That's what's important.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY), who is the sponsor of the bill.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, today we have a chance to do what is right, not just for gay and lesbian troops serving in our military, but what is right for national security.

When I deployed to Iraq as a captain with the 82nd Airborne Division, my team and I didn't care about someone else's sexual orientation. We cared whether everyone could do their job so we could all come home alive.

Already, dozens of other nations allow their troops to serve openly, including our greatest military allies, Great Britain and Israel, with no detrimental impact on their units' cohesion.

It's an insult to the troops I served with and to all our servicemembers fighting in Iraq and Afghanistan to say that they are somehow less professional or as mission capable as the members of these foreign militaries.

Now, we have heard every excuse under the sun. First it was, well, we need to study the issue. Well, the Pentagon finished their study and learned what we've known all along: repeal will not harm our military's operation.

Then it was we need to hear from our military leaders and our troops. They have spoken. The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Commander in Chief, and the majority of our troops believe this policy should go.

Enough. Enough of the games. Enough of the politics. Our troops are the best of the best, and they deserve a Congress that puts their safety and our collective national security over rigid partisan interests and a closed-minded ideology.

The Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen testified that this issue comes down to integrity, the integrity of our troops and the military as an institution.

Well, this is also about the integrity of this institution.

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

Mrs. DAVIS of California. I yield the gentleman an additional 10 seconds.

Mr. PATRICK J. MURPHY of Pennsylvania. This is also about the integrity of this institution. This vote is about whether we're going to continue telling people willing to die for our freedoms that they need to lie in order to do so.

I urge my colleagues to vote ''yes'' on repeal.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. FLEMING), a member of the House Armed Services Committee.

Mr. FLEMING. Mr. Speaker, I rise today to oppose the repeal of Don't Ask, Don't Tell. This has been the policy of the military. It's worked very well for many years. There's been a paucity of study of this, and finally, when we approach the period in which it was going to be once again brought up in Congress, there was a study commissioned which asked questions of many, many people. However, the study was flawed from the get-go. First of all, it did not ask whether this policy should be implemented. It asked the question how should it be implemented.

I am a physician. I come from a medical background. If ever we try to determine what the effective way of treating a disease is, we would never start with the presupposition that this treatment is already the accepted treatment of that. No, in fact we go and study that. This was not done.

But let's talk about the questions a little bit in the study, the study that came out on November 30, really only a few days ago. The question is actually asked in the survey, it asks active duty members to actually divine what they thought was going to happen as a result of this policy. That's an impossibility.

It also sets the stage for social experimentation, a time in which we're at war, when we have all of the logistical problems that go on, and yet here we are dropping in the middle of it this bomb of social experimentation.

Even in times of peace, when we have a major deployment, we actually have a mortality rate. People die even when we have peaceful exercises. But in a day when you're actually at war, just think of the additional headaches of all of the logistical problems that go along with implementing such a policy.

Then there's a question of constitutionality. Gee, how can we do something with the military that we don't do with people at large?

And the Supreme Court has spoken out on this, and they've said that the military is a unique organization.

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

Mr. MCKEON. I yield the gentleman an additional 30 seconds.

Mr. FLEMING. The military is indeed a unique organization, and that such restrictions, such policies can indeed go forward.

I would just like to say, in wrapping up, a couple of important statistics that I think should be mentioned, and that is that 60 to 67 percent of Army and Marine combat members said that this would be a major disruption if this were implemented.

Seventeen percent of the spouses said they would urge their active duty member to get out. And that certainly negates the argument that somehow we would not lose too many soldiers in this.

So I urge my colleagues today to vote against this.

□ 1610

The SPEAKER pro tempore. The Chair will note that the gentleman from California has 9 minutes remaining; the gentlewoman from California has 13¼ minutes remaining.

Mrs. DAVIS of California. I yield 1 minute, Mr. Speaker, to the majority leader of the House of Representatives, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentlewoman for yielding, and I rise in strong support of this amendment.

It is never too late to do the right thing. And that is the proposition that is before this House, the proposition that we are going to, as Barry Goldwater said, worry about whether people can shoot straight, not whether they are straight.

What he meant by that is: Are they competent? Are they committed? Are they patriotic? Are they willing to fight? Have they trained well? Are they prepared to defend our country? That is the litmus test.

Now, that wasn't always the litmus test. There were some times when that group over there could fight over there and the other group over here could fight over here because, after all, if we mixed those groups, it would be damaging to the national security. That proposition was wrong then and it is wrong now.

We passed, some time ago, a defense bill. We passed a defense bill through this House. We adopted an amendment to that bill. That bill is still in the Senate. It is still in the Senate, very frankly, because the minority party has not allowed it to move. It has the votes to move; it simply doesn't have almost two-thirds to move.

This May, the House approved the repeal of our Armed Forces' policy on Don't Ask, Don't Tell adopted some 17 years ago by a vote of 234–194. We voted to end the outdated policy that, frankly, undermines our national security, pending a comprehensive Defense Department report that would review the issues associated with implementing

repeal and study our troops' attitudes towards open service. That study was undertaken. That study has been reported. That study showed that some 70 percent of the members surveyed said, No problem. Not an issue. Again, I am worried about somebody who can shoot straight, who has the courage and willingness and the commitment to defend our country. That, from their perspective, is the criteria.

That report was released on November 30, as I said, and included an exhaustive survey of the views of more than 115,000 people.

When we take a poll, you are talking about 500, maybe 1,000, if it is a big poll, and you rely on that and you make some pretty important decisions based upon those polls. You spend money based upon those polls. You decide to run based upon those polls. You decide to emphasize issue A or issue B based upon those polls. And, frankly, in some respects, your career depends upon that. So you rely on those surveys.

This survey, 70 percent came to an unambiguous conclusion, quote, ''The risk of repeal to overall military effectiveness is low.''

Now, I have heard Members on the other side of the aisle who have debated this issue say, Oh, no, that is not right; and, very frankly, I have heard generals quoted. But this is, after all, who the generals are concerned about, the people in the field, the men and women who are actually in the battle. And they come back and say, No problem.

Our troops stand with our military leaders and the vast majority of Americans in calling for repeal. The majority of them would be baffled by the fear with which some of my colleagues tar them every time Don't Ask, Don't Tell is discussed.

Some say that our troops are unwilling or apprehensive about serving with gays in the military; yet 92 percent of them who have done so have called that experience very good, good, or neutral.

Now, let me say to my friends on both sides of the aisle, you are serving with gays in this body. You are interfacing with gays every day in the staffs on both sides of this Capitol. You may know or you may not know, but disabuse yourself of the theory that somehow you are bothered by that, because you are not. They serve here with distinction, they serve here with dedication, and they serve here at no risk to any one of us or their colleagues either as employees, as Members, or as visitors to this Capitol. There are surely countless stories that prove that point.

''We have gay men and women,'' one fighter said, ''in my unit. He is big, he is mean, and he kills lots of bad guys. No one cared he was gay.'' Why? Because what they focused on was whether or not he did the job, whether he was patriotic, committed, and effective. That is the test. That ought to be the test for every American: the test of character, the test of performance, the test of compliance with the rules and regulations and the laws. That ought to be our test. That certainly is what we expect, I think, of others in judging us.

Despite all of this, the Senate has failed to pass the defense authorization bill. As I said, we passed one last June, I think.

Above all, we must pass this bill because our choice is between a thoughtful, responsible repeal plan developed over months of study or a sudden disruptive review imposed by the courts. Our military leaders understand that the courts are likely to overturn Don't Ask, Don't Tell, and that is exactly why they are urging Congress to pass a legislative solution instead.

I tell my friends, I talked to Secretary Gates earlier this week, and he said, Pass this bill. And he said, Pass this bill because we need a legislative, not a court-imposed, solution.

Admiral Mike Mullen, who supports repeal, wants it to come, and I quote, ''through the same process with which the law was enacted rather than precipitously through the courts.''

So I tell my friends that the Chairman of the Joint Chiefs and the Secretary of Defense, who, by the way, as we all know, is not of my party, but he is not a partisan. He is a promoter of the military security and welfare of the troops. And I refer to Bob Gates, for whom I think we all have a great deal of respect and confidence.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding and for his well thought-out arguments on this issue.

What does the gentleman think about the actual service chiefs, the Marine Corps Commandant, the Army Chief of Staff, the actual generals who lead the military men and women that we speak about, being against the repeal, especially now?

Mr. HOYER. Reclaiming my time, I will tell you what I think about that.

Their concern seems to be for the morale of the troops, of the performance of the troops, which is exactly why we said, and I tell my friend, in May, Let's ask the troops. And that is why we surveyed 115,000 of the troops and said, Is this a problem? And they responded, overwhelmingly, it is not a problem.

There are some who apparently do not accept that. I understand the gentleman. I am not necessarily surprised by that. My friend and my colleague, I don't know exactly your age. You are much younger than I am. This is not a new phenomenon, I tell my young friend.

□ 1620

When we have made changes in the service sector in the past, there had been voices who said this would undermine morale and performance. I suggest to my friend, it did not. And I tell my friend, for those who believe it will, I believe this survey indicates the contrary, and I believe the contrary, based upon experience, based upon observation, and based upon history.

It is a hard choice, it seems to me, to reject—to reject—a considered, thoughtful, planned approach to implementing a policy that Secretary Gates and Chairman of the Joint Chiefs Mullen believes is going to happen. And I will tell my friends in this body, my conversations with Members of the Senate indicate that there are sufficient numbers in the Senate to pass this policy.

More than that, Mr. Speaker, it is time to end a policy of official discrimination that has cost America the service of some 13,500 men and women who wore our uniform with honor. They were not discharged because they did not perform their duties or because they were not honorable in their service; they were discharged simply because they were gay.

One of those young men who deserves better is a constituent named Ian Goldin. Actually, he was not dismissed, but I will tell you his story. He wrote to me a compelling letter, and I want to close with his words:

''Congressman HOYER, I joined the Army Reserve Officers' Training Corps last year after President Obama reaffirmed his campaign pledge to end Don't Ask, Don't Tell. I have always known that I wanted to serve my country in the Armed Forces, but one thing was always holding me back: I'm gay.

''I've been open about that part of my life since high school, and I was not willing to go back into the closet. But after the President promised to end Don't Ask, Don't Tell, I decided to finally join ROTC, hopeful that I would not have to hide my sexuality for long. I quickly realized that I had made the right choice. Although I was a new recruit, I was already in the top of my class of cadet privates first class in land navigation.

''But it became increasingly difficult to hide such an important part of who I am.'' Because, of course, the policy that we have in place asks people to lie. Honor, duty, country. Lying is not a component part of that philosophy. But that is what we expect people, if they want to serve their country in the Armed Forces of the United States, to do.

''After learning about the continual delays in Congress, I decided I needed to quit ROTC until the ban was repealed.

''I have spent this past semester studying abroad, and I will spend next semester in Cairo. I have invaluable experience abroad. I'm an advanced Arabic speaker. I'm an ''A'' student at a top national university.

''Most importantly,'' he says, ''I want to serve my country. When I can serve openly, I will finish ROTC and be commissioned as an officer in the U.S. Army. And there are many others like me—I've met them.''

He concluded, ''So please, do whatever you can to repeal Don't Ask, Don't Tell.''

Ladies and gentlemen, we have an opportunity to accept those who are willing, those who are able, those who want to serve their country, yes, in harm's way. Let us take this action. It is the right thing to do and the right time.

In closing, let me say to my friend Mr. MCKEON: Mr. MCKEON, when I ended my debate, when we passed this in May, you will recall you mentioned General Colin Powell. I did not respond. But as you know, General Colin Powell over these 17 years has changed his perspective. I didn't respond at that time to that fact, but he has done so because he has come to the conclusion that now is the time to act—for our country, for our principles, and for our men and women in the service.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we have had a number of questions asked. One question that we did not just hear that was expressed as important is, is a person an impediment to the good order and discipline of the military or the military's mission? That is important.

I heard the Speaker say earlier, in essence, we need to allow or honor the service of all those who want to serve. That is not true. Every day people who want to serve are not allowed to serve because they will be an impediment.

We heard the leader talk about how we can work together in this body, even though there are homosexuals in this body. That is right. This isn't the military, and I can promise you, if people did some of the things that have been done by Members of this body, they would never have been allowed and would not be allowed to continue serving in the military. We have that margin to work with here. In the military there is the military mission. There is not that margin to work with. We are talking life and death.

Now, we have heard, how does it make us safer to lose thousands from the military? A good question, because the hundreds I have heard from that I didn't bring their quotes down here have said, you pass this, and I will tell you personally, but I will not say it in the presence of my commander, you pass this, I will not reenlist. I won't say it publicly because it may affect my assignment after that, because we know what this President, this Commander in Chief wants, just as does the Secretary of Defense.

The two people that the President appoints said let's do it, because they know the President appointed them. He is their boss. And then all of those who do not answer directly to the President, they said this is a terrible idea.

You want an accurate poll? Take one where military members can answer privately, with no ability of the commanders to figure out who answered where. And then let's find out how many thousands or tens of thousands or hundreds of thousands we can lose with this activity. That is important.

Now, we were told Don't Ask, Don't Tell is inconsistent with American values.

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

Mr. MCKEON. I yield the gentleman an additional 1 minute.

Mr. GOHMERT. I would submit the military is inconsistent with American values. It does not have freedom of speech, it does not have freedom of assembly, it does not have the freedom to express its love to those in the military the way you can out here, because it is an impediment to the military mission. You can't do that. Can you imagine military members being able to tell their commander what they think of him, using freedom of speech, or assembling where they wish? It doesn't work.

So this is one of those issues that is so personal to the military, we need to have an accurate poll. And to my friend who said history will judge us poorly, I would submit if you will look thoroughly at history, and I am not saying it is cause and effect, but when militaries throughout history of the greatest nations in the world have adopted the policy that it is fine for homosexuality to be overt, if you can keep it private and control your hormones, fine; if you can't, that is fine too, they are toward the end of their existence as a great nation.

Let's look at this more carefully before we harm our military.

Mrs. DAVIS of California. I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in support of the Don't Ask, Don't Tell Repeal Act, and I do so as a proud veteran who served in Vietnam a long time ago. I can tell you, gays served proudly in Vietnam with us, just as gays are serving in today's military. But what we are arguing about here is the inconsistency of forcing people to lie about who they are.

I feel strongly that all Americans that are fit and willing to serve ought to have a fair and equal chance to volunteer for military service. Lifting the ban to allow our troops to serve openly is consistent with the American values which the previous speaker spoke about that our military members risk their lives to defend.

I can attest to the fact. I represent a large military facility in my district, so I have the opportunity to ask the troops for their opinion on this particular issue.

□ 1630

Their opinions track with the study that was done. They don't care what sexual preference their buddy might be. They only care that he or she performs when they are in combat—when they have to have their back and they have to depend on them having their back. It is as simple as that.

This is an idea whose time has expired, like my time is about to expire. I urge Members to vote for repeal of this act.

Mr. MCKEON. Mr. Speaker, might I inquire of the time left on both sides.

The SPEAKER pro tempore. The gentleman has 6 minutes remaining. The gentlewoman has 10¾ minutes remaining.

Mr. MCKEON. Maybe we can even the time out.

Mrs. DAVIS of California. Mr. Speaker, I yield to the gentlewoman from California (Ms. CHU) for the purpose of a unanimous consent request.

(Ms. CHU asked and was given permission to revise and extend her remarks.)

Ms. CHU. I rise in strong support of this bill to repeal the flawed Don't Ask, Don't Tell policy.

Alexander Nicholson was a bright young man who joined the Army's Intelligence Unit. He was a great asset, speaking 5 different languages, including Arabic.

One day, a fellow linguist discovered a letter he had written to his boyfriend. It was in Portuguese, so he thought no one could understand it. Well, that linguist did and outed him. Instead of being discharged, Alexander resigned . . . 6 months after 9/11 when they needed someone with his ability the most.

Since Don't Ask, Don't Tell, 13,000 soldiers have been discharged for no other reason than their sexual orientation. It has cost over $360 million to replace them, an utter waste of dollars and talent. That's why I've stopped calling this policy ''Don't Ask, Don't Tell'' and instead label it what it really is: ''Doesn't Work, Never Has.''

Let's stop this misguided policy from hurting countless men and women who serve our country. Our country should praise the men and women who keep us safe—not persecute them.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. When I arrived off Afghanistan in charge of an aircraft carrier battle group, I knew as an admiral that a certain percentage of that carrier battle group in combat was gay. I always wondered how one could come home and say they don't deserve equal rights.

I respect the differing opinion. It was 5,000 sailors on that aircraft carrier that I commanded. Their average age is 19½, and they just don't care. I honestly believe that when those who you are supposed to be leading are actually ahead of the leaders, leaders lose credibility.

I joined up during Vietnam. We were having race riots on our aircraft carriers then. We worked through that. That night off Afghanistan when I first arrived, we had never had women pilots. I put up one woman with seven men. She was the one that disobeyed

my orders and dove without permission and saved four Special Forces.

My point is we don't do this just for equality. We do it because we want the best of all, whether it is race, whether it is gender, or sexual orientation. That is why I support the repeal of Don't Ask, Don't Tell.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first let's strip away the smoke screen: the argument that we are holding up the defense bill. It passed this House over the objection of almost every Republican, and it has twice been filibustered in the Senate when the Senate leadership tried to bring it up. It is the Republican Party that has been holding it up because of their opposition to a repeal of Don't Ask, Don't Tell.

So let's talk about the merits. First of all, we are told it would be a distraction to repeal it. It is a grave distraction to maintain it. People have said, the gentleman from Texas: Well, we know there are gay and lesbian people now serving. That's right. What they are telling us, Mr. Speaker, is let's have people serving who are in fear of being thrown out. How much of a distraction is that? What sense does it make to say, okay, you come in here but we are going to watch you, and you may get kicked out? And what about the money that is spent? What about the good people that are lost, translators and others?

The maintenance of this policy is the distraction. The repeal of it would not be. Why are we told repeal of Don't Ask, Don't Tell would be a problem?

People keep quoting Colin Powell. Let me quote him from 20 years ago when I asked him about this. I asked him if the problem was that gay and lesbian and bisexual members of the military weren't good at their jobs. He said: No, that is absolutely not the case. So let's not have any libel of the honorable gay and lesbian and bisexual people who want to serve their country and are being rebuffed by people on the other side.

No one is arguing it is their fault. What we are told is that there are other people who are so offended by their very presence. The code of military justice will stay in place. Anybody who misbehaves sexually is subject to being kicked out quite summarily. We are told that their very presence will annoy people and will distract them.

What does that say about our young military? The gentleman from Texas (Mr. GOHMERT) said, well, anytime a military has allowed gay people in, that has been the end of civilization. Tell that to the Israeli Defense Forces. I guess he may be technically correct; they didn't change it, they have always had that. They need every human being they can get who is willing to serve, whether willing or not. And the Israeli Defense Forces have suffered no deterioration.

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

Mrs. DAVIS of California. I yield the gentleman an additional 10 seconds.

Mr. FRANK of Massachusetts. I must say, it is not that the young members of the military who face death, who face the destruction of their comrades, they are not the ones who are upset by this. It is our colleagues on the other side who are reputing their unease at the presence of gay and lesbian people to the young people in the military who I think are better than that.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), Republican Conference chair.

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

Mr. PENCE. Mr. Speaker, I appreciate the distinguished ranking member for yielding and the passion that has been expressed on both sides of this issue.

But let me state the obvious, if I can. We are a Nation at war. We have soldiers that are in harm's way at this hour, forward deployed, at Bagram and Helmand province, places I visited just a few short weeks ago. And so this business is not taking place in a vacuum. We are a Nation at war.

And let me say to the distinguished gentleman from Massachusetts who just spoke who suggested that those of us who oppose a repeal of Don't Ask, Don't Tell would commit some libel against Americans with whom we differ on life-style choices, nothing could be further from the truth. As a conservative, I have a particular world view about moral issues. They do not bear upon this question. This is an issue exclusively that is about recruitment, readiness, unit cohesion, and retention because we are a Nation at war.

Now, I am not a soldier, but I am the son of a combat soldier. I think we should listen to our soldiers as we continue this debate. In recent key findings of the Pentagon study, overall U.S. military predicted negative or very negative effects, 30 percent. The percentage of the Marine Corps predicting negative effects, 43 percent; 48 percent within the Army; 58 percent within Marine combat units.

We know that the leadership has testified before the Congress. Air Force Chief of Staff General Norton Schwartz said: I do not think it prudent to seek full implementation. Too risky, he said.

Of course the most ominous of all was a suggestion by Army Chief of Staff General George Casey who said: increase the risk on our soldiers.

Men and women, no one in this House, would desire to increase the risk on our soldiers at a time of war. I know that.

And so I rise today simply to say let's remember the time in which we live. Let's remember the first obligation of the national government is to provide for the common defense. I believe the first obligation in providing for the common defense is to provide the circumstances and the resources for those who wear the uniform and carry the weapon and provide the shield under which we live and our freedom survives. We are a Nation at war. Reject this measure. Don't Ask, Don't Tell was a successful compromise in 1993; and so that compromise should remain.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. WALZ) who happens to be the highest ranking enlisted servicemember serving in Congress.

Mr. WALZ. Mr. Speaker, I thank the gentlewoman from California and my friend from Pennsylvania. The greatest privilege I have had in my life has been serving this country in uniform for 24 years and helping to preserve the freedoms and liberties of this country for all Americans.

I had the honor of training soldiers from all walks of life, and at the end of the day my top priority was whether they could meet the standards and do the job. As a career enlisted soldier, I know how important it is to fill our military with qualified, professional, motivated volunteers. And we are blessed in this Nation that our young people are signing up.

I have no doubt that the brave men and women who serve our country have the professionalism to end this discriminatory policy. I am offended by the idea and the notion that they are not able to handle change in policy. These men and women make up the greatest fighting force the world has ever seen. They accept and complete missions every day that require incredible discipline and bravery.

This discriminatory policy is hurting our military readiness and weakening our Nation, such as releasing dozens of Arabic linguists simply because they were homosexual.

Serving in the military, we believe in duty, honor and country. Asking these brave people to lie goes against all of our values. Our military heroes know that it is time to end this policy, the American people know it is time to end this policy, and in a few moments we will take the step to end it.

□ 1640

The SPEAKER pro tempore. The Chair will note that the gentleman from California has 3 minutes remaining. The gentlewoman from California has 6¼ minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana, who just recently retired after 30 years of service as a colonel in the Army, Mr. BUYER. He also serves as ranking member on the House Veterans' Affairs Committee.

Mr. BUYER. I thank the gentleman. Let me also thank IKE SKELTON, who came to this compromise and led that back in 1993, when I was a freshman right out of Desert Storm, came here to the Congress and began to learn about compromise.

Something that's being thrown around here today that those of us who have service in the military understand, combat effectiveness is measured by small unit cohesion. It is measured by your buddy to your left and to your right. That's the reality. This Congress is about to dump a policy onto the services which the service chiefs have already told us can have a detrimental impact upon our warriors in harm's way. Why are we doing this? This is discrimination.

The Supreme Court allows Congress to discriminate on how our services are put together—if you're too tall, if you're too heavy, if you don't run fast enough, if you can't do the pushups, if you're color blind. There's a whole array. Why do we do that? Because we want the very best able and fit to do what? To go fight and defend America.

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

Mr. MCKEON. I yield the gentleman 15 additional seconds.

Mr. BUYER. I end with this: Tolerance does not require a moral equivalency. Think about it. This is a bad thing to repeal Don't Ask, Don't Tell.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI), who is a major in the Air Force Reserves.

Mr. BOCCIERI. President John Kennedy said, ''A man may die, nations may rise and fall, but ideas live on.'' The idea to which many of our troops have fought to preserve and protect for our great Nation is the idea of freedom—the freedom to live in a country where you can be anything you want to be, the freedom to do anything you want to do, and the freedom to go anyplace you want to go.

Today, our troops are over in Iraq and Afghanistan so that the people of those nations can have even a little of what we take for granted. The mark of a great country is that men and women, when called, will leave everything behind, sacrifice everything for someone, something, someplace they consider greater than themselves.

While the cause of such a noble idea as freedom lives on and our troops sacrifice daily on foreign lands, we must maintain constant vigilance for life here at home. The issue before us today is one of which the very soldiers who fight to spread the idea of freedom to countries that don't know it find an ever-fleeting policy that denies them the opportunity to be who they want to be and the freedom to do what they want to do.

As one who spent 17 years in the military, flying wounded and fallen soldiers out of Iraq and Afghanistan, the finest men and women have served our Nation, I find it regrettable that, for some, the freedom that they're fighting for is not evenly applied.

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

Mrs. DAVIS of California. I yield the gentleman 10 additional seconds.

Mr. BOCCIERI. As Admiral Mullen has said, it is troubling that men and women from our country have to lie about who they are to defend the truth and freedom of our war.

The courts have spoken. The military leadership have spoken. Our military has spoken. It is time for Congress to speak that, when you take an oath to die for our freedom, it matters not who you love at home but, more importantly, that you love our country.

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

Mrs. DAVIS of California. I yield 1 minute to the gentlelady from California (Ms. SANCHEZ).

Ms. LORETTA SANCHEZ of California. I have had the opportunity, in 14 years on the Armed Services Committee, to meet a lot of our military men and women. I do not believe that they are so fragile that having a gay person serve next to them will kill them.

I rise today to express my strong support for the Don't Ask, Don't Tell Repeal Act of 2010. The mission of our Armed Forces is to deter war and to prevent and to protect the security of our country. If a soldier is capable and willing to sacrifice his or her life to honorably serve this country, that soldier is truly defending this country.

If a gay soldier is capable and willing to fight for this country, that soldier, too, is protecting the security of this country. If that soldier is willing to fight for our country, but our government denies him or her the right because the soldier is gay, then it is not the gay soldier who puts our security at risk, but this government.

Mr. MCKEON. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman has 1¾ minutes remaining. The gentlewoman has 4 minutes remaining.

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

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I have been listening to my colleagues on the other side point out that this is a Nation at war. Yes, it is. It has been at war for 9 long years, and I wish this Congress would talk about these wars and the cost. But I want to talk today about the cost to the men and women who are kicked out of the military, who have done nothing wrong, have been serving the country all of this time, put their careers on the line, put their lives on the line, and they're being thrown out for something that they have nothing to do with.

I was a military spouse. I can't ever remember anybody getting upset about whether people were gay or straight. And people knew. Of course they know. But what we judged each other on was a code of behavior. Behavior. And when we see men and women who are behaving and serving our country honorably, it is absolutely disgraceful to throw them out.

So, if we want to talk about the military and the war, then I think we should be talking about the military and the war and the cost, not the people who are fighting it or the people who have served this country so honorably.

Mr. MCKEON. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from Wisconsin, Ms. TAMMY BALDWIN.

Ms. BALDWIN. I rise to urge my colleagues to do the right thing and act to repeal Don't Ask, Don't Tell. After 17 years of this policy, we know that it is unjust, discriminatory, and, in my opinion, un-American. Integrity, after all, is a hallmark of military service. Yet we have, in statute, a policy that requires some in our military to conceal, deceive, or to lie.

Mr. Speaker, since the House voted in May to repeal Don't Ask, Don't Tell, the Department of Defense released its comprehensive review of the impact of repealing this unjust law. The report confirms that our military personnel are ready to serve alongside American soldiers who are openly gay and lesbian. The time has come to repeal Don't Ask, Don't Tell and move further down the path to LGBT equality for all Americans. In this land of the free and home of the brave, it is long past time for Congress to end this policy.

Mr. MCKEON. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from California (Mr. HUNTER), a member of the Armed Services Committee.

Mr. HUNTER. I thank the gentleman from California.

We have made this debate about a lot of things—gay rights, civil rights, our courts, the head of the Joint Chiefs of Staff, and the Secretary of Defense, among other things—but all this is truly about is our 18- and 20-year-old young men who are ordered to charge uphill through a hail of bullets and close with and destroy the enemy through fire and close combat. That's what this is about.

Repealing Don't Ask, Don't Tell is going to cost our military fighting men effectiveness, which is going to, in turn, possibly cost lives. That's why I would like to object to the repeal of Don't Ask, Don't Tell.

Mrs. DAVIS of California. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, all men and women are created equal. In America, the last time I heard, it also included life, liberty, and the pursuit of happiness. I heard today, distraction. Is it a distraction for a single woman to serve in the military? I say no. It is time we start doing it because all men and all women are created equal.

□ 1650

Mr. MCKEON. Mr. Speaker, how much time do we have left?

The SPEAKER pro tempore. The gentleman from California has 1¼ minutes remaining. The gentlewoman from California has 1½ minutes remaining.

Mr. MCKEON. I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, our cab driver the other day said he served in the last segregated African American unit during the Korean War. He told me there were five guys in his unit who were gay, and he thought those guys were the best because all five of those gay soldiers were on the boxing team of his unit, and they beat the stuffing out of anybody they fought.

That's who we need right now with those .50 calibers and on our bridges and in our cockpits—the best fighters America can produce. Right now, in warfare, we cannot afford the luxury of discrimination. Put those Americans to work fighting for freedom. We need them.

Mr. MCKEON. I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, life has prepared me for this vote. When you have had to sit at the back of the bus, in the balcony of the movie and have had to stand in a line for colored only, then you are prepared for this vote. I assure you that I don't need a survey to tell me what is right when it comes to human rights. We cannot truly have a first-class military with second-class soldiers. I close with this:

I will not ask people who are willing to die for my country to live a lie for my country.

Mr. MCKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California has 1¼ minutes remaining, and the gentlewoman from California has 30 seconds remaining.

Mr. MCKEON. Mr. Speaker, today we have heard a few times from the other side to do the right thing. I think the right thing will be in the eye of the beholder.

I choose to feel that the right thing for me is to protect those in uniform. I prefer to listen to what those who are leading those men into combat have to say. Just one of the quotes out of the survey said:

In warfighting units, the ones which will be the most effective, 67 percent of marines in combat units predict working alongside a gay man or lesbian will have a negative effect on their unit's effectiveness in completing its mission in a field environment or out at sea.

Now, we may all have different opinions—obviously, from this debate, we do—but these are the ones who are going to be affected. These are the guys who are on the line right now, and they are saying it will have a negative impact—67 percent. I don't think it is worth the risk to put them in any further jeopardy than they are in right now.

So, Mr. Speaker, I would ask, I would implore our Members to reject this Don't Ask, Don't Tell repeal. Let's go back and look at it a little more thoroughly before we move forward.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, we have the most adaptive, professional force in the world. So let's move forward. No more excuses. It is time to take away the barriers of people who put service above self and who want to serve our country.

I urge an ''aye'' vote as we repeal Don't Ask, Don't Tell.

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of repealing the Department of Defense's misguided, discriminatory ''Don't Ask, Don't Tell'' (DADT) policy.

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 from the military. If our Nation is truly to be the land of the free, home of the brave, we must continue to make progress towards equality. Repealing ''Don't Ask, Don't Tell'' is a crucial step forward.

Mr. Speaker, I was contacted by a gay soldier from Long Island who 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, is required by law to lie about who he is or face being discharged from the military. In his letter, he pleads for a repeal of ''Don't Ask, Don't Tell.'' In reality, he is asking nothing more than to be treated exactly the same as other servicemen and women.

It is reprehensible that his Nation responds to his service by telling him he needs to ''shut up'' about who he is. Upon disclosing his sexual orientation, would his past 20 years of service be worth less? Would he suddenly be of no value to the military? Is he suddenly no longer a war hero? Is his 20 plus years of service suddenly an embarrassment? The answer of course, is absolutely not. Yet, our Nation's policy tells this soldier he's not desirable as is.

Mr. Speaker, it's a contradiction in the first degree. Our military, including this soldier who contacted me, puts their lives on the line to defend American principles of life, liberty, and the pursuit of happiness. Yet, those who defend these principles are themselves discriminated against because of who they are.

This is also a self-defeating policy. Since ''Don't Ask, Don't Tell'' was implemented in 1994, more than 13,000 gay and lesbian service members have been discharged for no other reason than their sexual orientation. As the United States has fought wars in Afghanistan and in Iraq, hundreds of mission-critical troops, including crucial Arabic, Farsi, and other linguists, have been discharged because the Department of Defense believed they were gay. At the same time, the military has increasingly granted moral waivers to recruits with criminal backgrounds.

Mr. Speaker, the case is clear. There is no sound argument for maintaining this discriminatory policy. For the thousands of gay servicemen and women who so bravely serve our country every day 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 strong support of the bill before us and urge my colleagues to join me in honoring all American servicemen and women, regardless of their sexual orientation.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2965, the Don't Ask, Don't Tell Repeal Act of 2010. I am proud to cosponsor this common-sense legislation, which would end this discriminatory policy in an organized manner once and for all.

Following President Obama's call for repeal of ''Don't Ask, Don't Tell'' as part of his State of the Union Address, the Armed Forces engaged in a 9-month long, comprehensive review, receiving input from more than 115,000 active-duty and reserve members and more than 44,000 spouses.

A clear and overwhelming majority of our Armed Forces believe allowing gay and lesbian individuals to serve openly would not have a negative impact.

Offered by Iraq War veteran Congressman PATRICK MURPHY, this bill would ensure individuals wishing to serve in the Armed Forces are permitted to do so regardless of sexual orientation.

It is insulting to our brave men and women on the ground to insinuate that they are not professional enough to follow the orders of their Commander-in-Chief, to defend our Nation during a time of war, or to continue serving heroically, simply because they serve alongside gay and lesbian service members.

This repeal has the support of the Secretary of Defense, Robert Gates, and the Chairman of the Joint Chiefs, Admiral Mike Mullen. Both of these men have spent their careers protecting and defending this Nation and could not be more forceful in their insistence that now is the right time to repeal this unfair policy that benefits no one and compromises the quality of our military. I have no doubt that if this repeal would be harmful to our troops or to our national security, they would speak out forcefully.

Admiral Mullen himself said during his recent testimony, ''Our people sacrifice a lot for their country, including their lives. None of them should have to sacrifice their integrity as well.''

Gays and lesbians who wish to defend our Nation are patriots, pure and simple—no less so than a straight soldier, airman, seaman, or marine—and they deserve to be treated as such.

I stand with Congressman MURPHY in calling for repeal of ''Don't Ask, Don't Tell'' and urge my colleagues to support this legislation.

Mr. VAN HOLLEN. Mr. Speaker, I am proud to cast my vote today to end the unjust and misguided policy of Don't Ask, Don't Tell.

Our Nation faces great challenges and is currently at war. We need highly qualified military personnel with a wide range of abilities, including critical language skills. And yet, under Don't Ask, Don't Tell, 14,000 service members have been discharged—not because of their performance, but because of their identity. We cannot afford to turn away talented and patriotic soldiers simply because they are gay.

The Pentagon's Comprehensive Review Working Group found that the ''risk of repeal

of Don't Ask, Don't Tell to overall military effectiveness is low.'' Our military leaders have expressed their confidence, which I share, in the ability of service members to adapt to this change and remain focused on their mission.

As Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, has said, our military is a meritocracy, where it is ''what you do, not who you are'' that counts. Our Nation was also founded on that ideal. It is time to repeal this discriminatory policy, so all service men and women can finally live by the principles that they fight to protect.

Ms. HIRONO. Mr. Speaker, I rise to urge my colleagues to support H.R. 2965, the ''Don't Ask, Don't Tell'' Repeal Act.

As an original cosponsor of the House versions of related legislation that was introduced in the 110th (2007–2008) and 111th (2009–2010) Congress, I strongly support this stand-alone measure, which would repeal the ''don't ask, don't tell'' policy that discriminates against military personnel based on their sexual orientation.

Enforcement of this policy has not only wasted millions of taxpayer dollars but has caused irreparable harm to our military by dismissing more than 12,000 well-trained and qualified members of the Armed Forces. If enacted, this legislation will strengthen our military and help protect our national security interests.

This past May, I voted for an amendment to the FY2011 defense authorization bill that would have repealed this policy. Unfortunately, the amendment and the underlying legislation passed the House only to languish in the Senate. Congress must finally repeal this law and replace it with a policy of inclusion and nondiscrimination so that justice and equality can be restored for the gay and lesbian servicemembers fighting for our country.

Many of my constituents, including members of our military and veterans who served in our Armed Forces, have contacted me to express support for repealing ''don't ask, don't tell.'' I recently received an e-mail from a constituent who has been on active duty for over 20 years and wants this policy repealed so that his fellow soldiers can serve openly and honestly without having to worry about ''living a lie'' and continuing to suffer from bigotry.

This view is not only shared by nearly eight in 10 Americans but corresponds with findings from the recently released Defense Department's Comprehensive Review Working Group report. This report revealed that a large majority of troops were comfortable with the prospect of overturning longstanding restrictions on gays in uniform and expected that it would have little to no effect on their units. Defense Secretary Robert Gates and Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, have testified before Congress in support of this report's recommendations, urging Congress to vote to repeal the flawed ''don't ask, don't tell'' policy.

Repealing this policy will ensure that our men and women in uniform can serve our country with dignity and integrity and without fear of discrimination. I urge my colleagues to support this measure.

Ms. ESHOO. Mr. Speaker, I have opposed the Don't Ask, Don't Tell policy since its inception in 1993. I voted to repeal it earlier this year, and I hope to finally dispose of it with today's vote. This harmful policy is an affront to the principles of our Nation and a hindrance to our national security. For nearly two decades it has prevented qualified men and women from openly serving their country. The recently released Pentagon report makes clear that our men and women in uniform, along with the vast majority of Americans, recognize this policy as being discriminatory and want to see an end to the law.

Since the enactment of Don't Ask, Don't Tell, our Armed Forces have discharged nearly 14,000 troops because of their sexual orientation, including hundreds of Arabic and Farsi interpreters. These are critical positions requiring specialized skills and we are turning qualified people away in a time of severe troop shortages. The Army and Marine Corps have been forced to reduce standards of eligibility just to reach minimum recruitment levels for operations in Iraq and Afghanistan. This includes issuing 'moral waivers' to people with felony convictions. Meanwhile, our men and women in uniform work side-by-side with openly gay soldiers from thirteen coalition partners, including the United Kingdom, Canada, and Australia, as well as U.S. officers and agents in the CIA, NSA, and FBI.

We have the most modern military on earth, with the exception of this harmful, discriminatory, and unnecessary policy. I'm proud to have cosponsored the Don't Ask, Don't Tell Repeal Act of 2010 and I look forward to its passage in the Senate. The bill will repeal the law, bring our military up to date and the law in-line with the principles of our country, and address this civil rights issue once and for all.

Mr. STARK. Mr. Speaker, I rise today to support H.R. 2965, a bill that would repeal the military's policy of mandatory discrimination against openly gay and lesbian individuals in our Nation's military.

The ''Don't Ask, Don't Tell'' policy has been broken for years. We have lost thousands of qualified soldiers, translators, and officers because of a fundamentally bigoted policy. It is shameful that men and women who continue to serve must continue to hide who they are.

Repeal of ''Don't Ask, Don't Tell'' has the support of the Commander in Chief, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. A Pentagon study released last month found that the military is ready for repeal and the vast majority of enlisted men and women believe repeal will be positive or make no difference. Despite the overwhelming evidence against them, opponents of this bill cling to their intolerant views to support a shameful policy that has made our country less safe.

Today's vote is an important step toward the day when LGBT Americans enjoy true equality, including the right to marry. I urge my colleagues to support this bill, and I hope that the Senate will pass this legislation and end this policy now.

Mr. FARR. Mr. Speaker, since I became a Member of Congress, I have always been unwavering in my commitment to repeal the discriminatory Don't Ask, Don't Tell policy.

At a time when our military is already stretched to the breaking point and standards are being lowered to increase recruitment numbers, it is outrageous that thousands of highly skilled soldiers, like Arab linguists, have been forced out of uniform because of their sexual orientation. These gay men and women only want to serve their country with honor.

Changing a social institution is not easy, but President Truman persevered and ended racial discrimination in the military in 1948. Women were accepted into the military in the 1970s, and they now make up 20% of our Armed Forces. Congress rescinded the female combat exemption laws in 1996 and our military personnel, both men and women, are universally acknowledged as the best in the world.

Mr. Speaker, our Armed Forces are resilient and adaptive and will embrace Open Service as they have successfully embraced other social changes it in the past. Repealing this policy is long overdue and will finally allow gays and lesbians to serve their country honorably without fear of being discriminated against by the very Nation they fight to protect.

Mr. RUSH. Mr. Speaker, I rise today in support of H.R. 2965, the Don't Ask, Don't Tell Repeal Act of 2010. This language, Mr. Speaker, is identical to the language that this body passed in May as an amendment to the National Defense Authorization Act.

Since that time, a legislative repeal of this law has become both more necessary and more proper.

More necessary, Mr. Speaker, because the courts have made it clear that they will not stand idly by while the United States continues to discriminate against its servicemembers.

As Secretary Gates explained recently, a legislative repeal is the only way to right this wrong as it allows the new policy to properly be implemented ''in a thoughtful and careful way'' versus the immediacy of a legislative mandate as was seen earlier this year.

Mr. Speaker, it is now, more than ever, important to remember that now is always the right time to do what is right. As illustrated by the Pentagon's own Working Group report, 70 percent of our military personnel also recognize that repealing Don't Ask Don't Tell is the right thing to do.

Additionally, Mr. Speaker, an ABC News/Washington Post poll released, today, demonstrates that 77 percent of Americans support allowing open service in the U.S. military. Support for repeal is both broad and inclusive. These figures further show that now is the right time to correct this injustice.

Mr. Speaker, I would like to remind my colleagues who question the impact of open service that our servicemembers have always lived and served dutifully in an environment of open service. Whether in Afghanistan, working alongside our allies—87 percent of which, experts say, come from nations allowing open service—and contractors who also allow open service and often work in the same environment and share the same facilities as our servicemembers. Or, during the Gulf War, when the U.S. suspended enforcement; yet no one questioned our successes or results in our mission there. These instances, among others, not only demonstrate the professionalism and adaptability of our fighting men and women but they also dispel the misconceptions about openly homosexual soldiers.

Mr. Speaker, I close with a statement from President George H. W. Bush's Assistant Secretary of Defense, Lawrence Korb. In February of this year Mr. Korb was asked ''Should Gays Serve Openly In The Military?'' His reply, Mr. Speaker, was, ''Not only is it the right thing to do, it will actually increase our security in the long run.''

Mr. Speaker, there is agreement on both sides of the aisle and across the civilian and

military populations of our country that repealing Don't Ask Don't Tell is the right thing to do. I, once again, urge my colleagues to join me in supporting this bill.

Mrs. CAPPS. Mr. Speaker, I rise to express my strong support of the Don't Ask, Don't Tell Repeal Act of 2010. I want to thank the Speaker and Majority Leader for bringing this important legislation before the full House.

Like the majority of the American public, I believe repealing this discriminatory policy is long over-due. As Members of Congress, we owe the bravest of our constituents, those who serve in the Armed Forces, the right to serve openly while protecting our freedom.

As the Pentagon report and testimony by Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff and Defense Secretary Robert Gates demonstrates, this policy does not make our military stronger or our nation safer. In fact, it has weakened America's security by depriving our nation of the service of thousands of gay and lesbian troops who have served their country honorably—and forcing even larger numbers of troops to lie about who they are.

We ask our soldiers and their families to make tremendous sacrifices, yet deny many of them the most basic of civil rights? This is abhorrent, and supporting an end to this policy will be one of my proudest moments of the 111th Congress.

As debate on this issue has escalated over the years, I have been fortunate enough to represent the Palm Center, previously located at UC Santa Barbara. For over 10 years, this organization has been at the forefront of research and outreach to repeal the Don't Ask, Don't Tell policy. It has been a privilege to bring its work to the attention of Congress, and I know I speak on behalf of all who support repeal when I thank the staff at the Palm Center for their tireless work.

Today's vote is the culmination of many years of concerted effort by an untold number of soldiers, private citizens, advocacy groups and public servants. As his colleague in the House, I would like to particularly commend Congressman PATRICK MURPHY, the lead sponsor on this bill. As a Veteran of the Iraq war, Mr. MURPHY has an unparalleled perspective on this issue and I thank him for his leadership.

I also want to thank the thousands of service members who have been denied their civil rights for their valuable service to our country.

Mr. Speaker, I urge all my colleagues to do the right thing today and support this important legislation to end this discriminatory and harmful policy.

Mr. DINGELL. Mr. Speaker, I rise as a cosponsor and strong supporter of H.R. 2965, the Don't Ask Don't Tell Repeal Act of 2010. I want to thank Representative PATRICK MURPHY (D–PA) for his unrelenting advocacy for repealing this discriminatory law and Majority Leader HOYER for his leadership on this issue.

The time is long overdue for the repeal of Don't Ask Don't Tell (DADT), the current law that says a member of the Armed Forces—one that would give his or her life defending our country—may not reveal his or her sexual orientation nor may the military ask about it. Just as today's Americans shake their heads at the thought of a segregated military—and indeed society—I suspect that generations to come will do the same at the shift we made in 1994 from the outright to tacit discrimination of homosexuals in the military. Indeed, if military readiness, military effectiveness, unit cohesion, recruiting, and retention are among the factors the military considers important to the overall success of our Armed Forces, one can hardly argue that DADT, which has brought about over 14,000 servicemember discharges, was and is the right course of action. Mr. Speaker, our nation is engaged in conflicts in multiple theatres and we are in desperate need of troops, as well as foreign language translators, and yet because of DADT, there is a segment of the population who want to serve openly and who, for all intents and purposes, face a sign saying they "need not apply."

The debate over DADT raises an interesting question about how the course of history might have changed had homosexuality been a factor in allowing military service for these distinguished warriors:

The Spartans, the preeminent military leaders of Sparta, known for military dominance; Julius Caesar, the father of the Roman Empire; Augustus Caesar, the first Emperor of the Roman Empire who ushered in the Pax Romana; the Emperor Hadrian; Alexander the Great, creator of one of the largest and most influential Empires in ancient history; The Sacred Band of Thebes, the elite force of the Theban army in the 4th Century BC.

King Richard I, also known as Richard the Lionheart, a central Christian commander during the Third Crusade; Frederick the Great, credited for creating a great European power by uniting Prussia; Herbert Kitchener, British Field Marshal renowned for his leadership during World War I; Lieutenant Colonel, T.E. Lawrence also known as Lawrence of Arabia, who successfully led the Arab Revolt against the Ottoman Empire; and, Friedrich Wilhelm von Steuben, who authored the Revolutionary War Drill Manual which became an essential manual for the Continental Army, helping to lead the United States to victory over the British in the Revolutionary War.

Mr. Speaker, as we consider this hypothetical, let us turn to the crux of the issue which is that any discriminatory law runs contrary to the principles of this great nation. "Let us hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights . . ." That, Mr. Speaker, is the preamble to the Declaration of Independence and it is the epitome of who we are and what we stand for as a nation—we need to strive to uphold this quintessential value. DADT is discriminatory and we must end this harmful policy. Who knows how many of the 14,000 plus discharged would have gone on to excel in their military careers. It is time to allow them back in to the military to show us and prove that we, as a society, will no longer tolerate the outrageous discrimination that occurs. The gravestone of decorated Airman Leonard Matlovich, who revealed his homosexuality to his commanding officer, tragically reads, "When I was in the military, they gave me a medal for killing two men and a discharge for loving one." Let us ensure we never again have such a grave marker. I urge my colleagues to join me in voting "yes" on H.R. 2965.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 2965, legislation to repeal the discriminatory "Don't Ask, Don't Tell" policy. Americans who fight and die for their country should not have to live a lie in order to serve. And at this crucial time—with our Armed Forces over-extended abroad and on watch here at home—we can ill afford to lose people with critical skills needed to do these difficult and essential jobs simply because of their sexual orientation. The time has come to end this discriminatory policy. Congress must now act according to the will of the people and overturn "Don't Ask, Don't Tell," so that every serviceman and woman in America will be treated equally under the law—regardless of who they are and who they love.

Mr. ENGEL. Mr. Speaker, the success of the United States military depends on the hard work, dedication, and sacrifices of our brave men and women in uniform. And yet, under Don't Ask, Don't Tell, the talents and contributions of our openly gay and lesbian servicemembers are ignored. This is discrimination, plain and simple, and should not stand. What should count is the performance and competence of a member of our armed services, nothing else.

More than nine years after the 9/11 attacks, at a time when troops are being withdrawn from Iraq and increased in Afghanistan, our gay and lesbian servicemembers offer invaluable skills that enhance our country's military competence and readiness. According to the Service Members Legal Defense Network, more than 14,000 servicemembers have been discharged under DADT since 1994. This number includes almost 800 mission-critical troops and nearly 60 Arabic linguists in just the last five years. That is indefensible. And to make matters worse, the financial cost of implementing Don't Ask, Don't Tell from Fiscal Year 1994–2008 was more than $555 million.

Mr. Speaker, Don't Ask, Don't Tell weakens our national security, diminishes our military readiness, and violates fundamental American principles of fairness, integrity and equality.

We must end this pernicious law, and we must end it now.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 2965: The Don't Ask Don't Tell Repeal Act of 2010.

The House of Representatives voted on May 28, 2010 to repeal this policy. I was proud to vote for the repeal of Don't Ask Don't Tell.

Our nation's military leaders and many, if not a majority, of our servicemembers support repealing DADT. Both Secretary Gates and Admiral Mullen—Chairman of the Joint Chiefs of Staff—have testified in support of repeal as "the right thing to do." Our servicemembers already serve side by side with our allies—many of whom allow openly gay and lesbian members. A servicemember is just that—a servicemember. To distinguish heterosexual from homosexual is unnecessary.

The United States needs all the dedicated servicemembers it can get, and one's sexuality does not determine one's effectiveness as a soldier. Don't Ask Don't Tell hurts military readiness and national security. Nearly 800 specialists with vital skills—Arabic linguists, for example—have been fired from the U.S. military under DADT. Since implementation of Don't Ask, Don't Tell in 1993, the military has discharged more than 13,000 servicemembers whose only "fault" was their sexual orientation.

It is estimated that American taxpayers have paid between $250 million and $1.2 billion to investigate, eliminate, and replace qualified,

patriotic servicemembers who want to serve their country but can't because expressing their sexual orientation violates DADT.

Mr. Speaker, the time to repeal Don't Ask Don't Tell has long passed. I urge my colleagues to vote yes.

Ms. JACKSON LEE of Texas. Mr. Speaker, I would like to begin by thanking Congressman PATRICK MURPHY of Pennsylvania and Majority Leader STENY HOYER for introducing and bringing this momentous legislation to the House. Our troops and veterans have taken the Oath of Service and have devoted their lives to our country. I want to thank our Nation's Armed Services for proudly and courageously serving our Nation.

In supporting our troops, I stand here today in unwavering support of repealing Don't Ask, Don't Tell, and I urge my colleagues to join me in passing this legislation. The ''Don't Ask, Don't Tell Repeal Act of 2010'' presents the Congress of the United States with an opportunity to uphold civil and human rights in one of the most noble institutions of the United States—our armed forces.

I believe that the Pentagon's extensive report regarding DADT's repeal speaks for itself The report explained that the majority of the military supported allowing gay members of the armed services to serve openly. Furthermore, the report stated that allowing gay Americans to serve openly would not have a substantial impact on troop morale, readiness, or effectiveness. It is important that we realize and recognize that we have the power to prevent the potentially disruptive process of having the courts repeal Don't Ask Don't Tell by doing it legislatively today.

Secretary of Defense Robert Gates has emphasized on numerous occasions that it is critical that we pass this legislation and allow the Department of Defense to implement the repeal of Don't Ask, Don't Tell. Now it is our opportunity to serve our Nation, and to do what it is best for our armed services.

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, has expressed his strong support for the repeal of Don't Ask, Don't Tell as well. Like Admiral Mullen, I too am troubled by such a policy that forces the young men and women to lie about who they are. We should not undermine the integrity of our Nation's institutions nor of those who courageously protect our Nation's interests abroad. We must do right by all of our American troops and move forward by repealing DADT.

It is time to end this lingering 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 and courageous task of defending their Nation. Our military should not have to lose the patriotic and talented men and women who want to serve our country, but are unable to do so because of DADT. Since 1993, DADT has forced over 13,000 qualified and patriotic men and women to leave the service. And that does not include the thousands more who have decided not to re-enlist or join the military at all because of DADT.

I know firsthand that the men and women of the United States military are courageous and have compassion for the humanity of each other; it is the expansiveness of their humanity which leads them to sacrifice and offer the last full measure of devotion on behalf of the American people. We know it is distinctive, but there is a reason that Don't Ask, Don't Tell should be eliminated, and it is that every patriotic human being deserves the right to serve his or her country if they are willing to take the Oath of Service.

President Lyndon Baines Johnson stated, ''We seek not just equality as a right and a theory but equality as a fact and equality as a result.'' America is a Nation of values; the right to equality and the principle of non-discrimination is a fundamental tenet of our democracy. Our Declaration of Independence and our Constitution speak specifically to the equality of all people. Now is the time for Congress to act and ensure that every American of good character has the right to serve their Nation. We must respect the humanity and the service of those troops who respect our country so much that they are willing to sacrifice their lives for it.

Don't Ask, Don't Tell is also a costly policy. In 2009 alone, we lost 428 service members to Don't Ask, Don't Tell at the estimated cost of over $12 million. There are an estimated 66,000 gay and lesbian service members currently on active-duty, serving in all capacities around the world to protect our Nation and advance our interests. We cannot allow the strength and unity of our military to suffer from a destructive force within. The cost is not only monetary; Don't Ask, Don't Tell costs the United States by eroding our position on respecting human and civil rights. In the same vein of the civil rights movement of years past, we must not forget that the fight for civil and human rights continues.

The research has been done, the representatives of our Armed Forces support the repeal, and our President has expressed his support. It is our turn to repeal Don't Ask, Don't Tell. We must act now, to ensure that human and civil rights are ensured and protected. I urge my colleagues to defend the human and civil rights at home for those who protect ours abroad.

Ms. LINDA T. SÁNCHEZ of California. I rise in strong support of repealing the ''Don't Ask, Don't Tell'' policy.

We have lived with the damaging effects of ''Don't Ask, Don't Tell'' for 17 years. It harms our military readiness and reduces the recruiting pool for our military. This is why Secretary of Defense Gates, Admiral Mike Mullen, and a majority of service members support its repeal.

This policy is both counterproductive and morally wrong.

At a time when our armed forces need qualified, dedicated men and women in uniform, we shouldn't be forcing them out just because they are gay or lesbian.

Gay and lesbian men and women have served—and currently serve—our country with honor and distinction. They have laid to rest the ignorant belief that a love for one's country is somehow based on who you love.

I am proud to stand with them and support the brave gay and lesbian service members who ask for nothing more than a chance to serve their country without hiding who they are.

I urge my colleagues to support this common-sense legislation that strengthens our military and our country and fulfills the promise of America as a place where all citizens, not just the politically popular ones, have equal rights.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R 2965, the Don't Ask, Don't Tell Repeal Act of 2010. I would like to thank Congressman MURPHY, Majority Leader HOYER, and Congressman FRANK for their tireless leadership this issue.

Mr. Speaker, I am a cosponsor of this legislation because American men and women should not have to choose between the opportunity to serve their country and being honest about their sexual orientation. Yet since 1993, over 13,000 men and women have been discharged from our military under Don't Ask, Don't Tell.

There are countless arguments in favor of ending this policy. Polls have demonstrated that an overwhelming majority of Americans, including those in the military, support ending Don't Ask, Don't Tell. Many of our closest military allies, including Israel, the United Kingdom, and Canada, have implemented policies of open service without negative consequences to unit cohesion or military performance. Particularly at a time when our armed forces are stretched thin, we cannot afford to turn away Americans who are willing and able to serve. The GAO reports that hundreds of men and women with unique abilities, including critical language skills, have been discharged under this policy.

However, the most compelling reason for ending Don't Ask, Don't Tell is that this policy is not only damaging, it is discriminatory. It is a policy that forces young men and women to lie about their identity in order to serve their country.

In February, the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, told the Senate, ''No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals and ours as an institution.''

Last week, Secretary Gates called for legislative action, stating ''I would hope that the Congress would act to repeal 'don't ask, don't tell.' '' Today, we will move one step closer to finally ending this damaging policy. I urge my colleagues to join me in supporting the repeal of Don't Ask, Don't Tell.

Mr. HOLT. Mr. Speaker, I rise in support of this bill. There is no reason to keep this misguided policy in place. It has the support of a majority of Americans, military leaders, and members of the military. You can only believe that allowing gays to serve in the military will damage morale if you discount the fact that gays have served in our military since the American Revolution. The supposed 'damaged morale' didn't lead to our losing to the Redcoats or surrendering to the Germans in two World Wars.

Allowing gay Americans to serve openly won't weaken morale in our armed forces. Rather, overturning the misguided Don't Ask, Don't Tell policy will strengthen our military and prevent the hemorrhage of critical talent from an already-overstretched American military engaged in two wars. President Truman was right to desegregate the Armed Forces more than half a century ago and we are right to ensure that LGBT soldiers finally can serve openly. I hope the Senate will soon pass this legislation so the President can end Don't Ask, Don't Tell by year's end.

Mrs. MALONEY. Mr. Speaker, it is time to repeal the ''Don't Ask, Don't Tell, Don't Pursue'' policy in the U.S. military once and for

all. The study recently released by the Pentagon confirms what so many of us have known all along: there is no compelling state interest in barring lesbian, gay and bisexual persons from serving openly in our armed forces.

From the initial introduction of this profoundly misguided policy in 1993, I have never wavered in my belief that our nation's armed forces should not discriminate against otherwise qualified citizens on the basis of their sexual orientation—or their desire not to maintain such orientation under a stifling cloak of secrecy that encourages and even forces them to hide, or even worse, to lie about who they are. Today, at a time when our nation is engaged in a difficult military conflict in Afghanistan, the extent to which the so-called compromise ''Don't Ask, Don't Tell'' policy has damaged America's military readiness has become even more apparent than it was seventeen years ago.

The policy against allowing lesbian, gay, and bisexual servicemembers to serve openly has resulted in depriving our armed forces of the abilities, experience and dedication of thousands of qualified active duty personnel. This institutionalized discrimination is completely illogical and counter-productive as we grapple with an increasingly dangerous world wracked by the threat of international terrorism, with our servicemembers in harm's way all over the world.

The U.S. Government Accountability Office (GAO) has documented the cost to our nation. In 2005, the GAO estimated the cost of discriminating against servicemembers on the basis of their sexual orientation at nearly $200 million over the course of just the last decade. This estimate may, in fact, be too low, as the GAO itself acknowledged and as other studies conducted by reputable academic institutions like the Michael Palm Center at the University of California have documented.

Advocates for maintaining ''Don't Ask, Don't Tell'' continue stubbornly to cite elusive, unquantifiable factors to justify the policy's inherent institutionalized discrimination. The most common argument is the specious insistence that ''unit cohesion'' among the armed forces will suffer if lesbians, gay men, and bisexual persons are allowed to serve openly—an argument that even Richard Cheney, while serving as the Secretary of Defense during the presidency of George H. W. Bush, acknowledged in congressional testimony was ''a bit of an old chestnut.'' Then-Secretary Cheney was right—and it's high time we roasted that old chestnut on an open fire, and consigned it forever to the ashbin of history.

The fact is that many other nations—including trusted allies whose armed forces are respected around the world such as Great Britain, Israel, Australia, and Canada—have allowed their citizens to serve in their armed forces regardless of their disclosure of their sexual orientation. It is high time that the United States of America, which prides itself as a beacon of liberty and equality, joins their ranks.

I urge the members of this House to vote to repeal this misguided and counter-productive and un-American policy.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1764, the previous question is ordered.

The question is on the motion by the gentlewoman from California (Mrs. DAVIS).

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

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 175, not voting 9, as follows:

[Roll No. 638]

YEAS—250

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

NAYS—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Diaz-Balart, M.
Duncan
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paulsen
Pence
Peterson
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Reed
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Baird
Berry
Cardoza
Granger
Marchant
McCarthy (NY)
McMorris Rodgers
Wamp
Woolsey

□ 1724

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDACT REMARKS IN DEBATE

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may redact a statement from my remarks in debate made earlier today that I believe might reflect a misapprehension of fact.

The SPEAKER pro tempore (Mr. CLEAVER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2010

Mr. BARROW. Madam Speaker, I move to suspend the rules and pass the bill (S. 841) to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 841

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 ''Pedestrian Safety Enhancement Act of 2010''.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''Secretary'' means the Secretary of Transportation;

(2) the term ''alert sound'' (herein referred to as the ''sound'') means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term ''cross-over speed'' means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term ''motor vehicle'' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term ''conventional motor vehicle'' means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term ''manufacturer'' has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term ''dealer'' has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term ''defect'' has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term ''hybrid vehicle'' means a motor vehicle which has more than one means of propulsion; and

(10) the term ''electric vehicle'' means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or noncompliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, $2,000,000 of any amounts made available to the Secretary of Transportation under under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

□ 1730

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARROW) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. BARROW. 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 in the RECORD.

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

There was no objection.

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

Madam Speaker, as hybrid and electric vehicles take hold in the market, they bring lots of benefits to consumers trying to shield themselves from rising gas prices and help reduce our Nation's dependence on foreign oil, but the near-silent operation of their combustion-free engines has presented unintended challenges for blind and sighted pedestrians.

NHTSA research, including a study published in April this year, confirms that the absence of sounds indicating vehicle movement can create serious safety risks for blind and sighted pedestrians, unable to detect vehicles as they back up, turn, or approach an intersection.

Earlier, NHTSA research found that hybrid and electric vehicles are two times more likely to be involved in a pedestrian collision at a low speed than conventional vehicles. Blind pedestrians are among the most vulnerable; but cyclists, seniors, and children are also among those greatly affected as the number of hybrid and electric vehicles on the road increases.

The bill before us offers a straightforward solution directing the National Highway Traffic Safety Administration to create a standard for hybrid and electric vehicles to emit appropriate conforming sounds when traveling at low speeds. In addition, the bill gives the agency 3 years to develop the standard, gives manufacturers a 3-year phase-in period, calls on NHTSA to consider the overall community noise impact, and protects against the unauthorized disabling, modification, or replacement of the sounds.

I am pleased that the bill has received strong support from the National Federation of the Blind and the Alliance of Automobile Manufacturers. I commend manufacturers of hybrid and electric vehicles that have already stepped forward to work with NHTSA to address this serious safety issue.

I also want to thank my chairman, Chairman RUSH, and my colleagues, the gentleman from New York (Mr. TOWNS) and the gentleman from Florida (Mr. STEARNS), for their leadership on this issue, which has a strong record of bipartisan awareness and support. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

I rise in support of Senate 841. I commend Congressman TOWNS and Congressman STEARNS for their efforts to improve pedestrian safety as the champions of the House companion legislation to Senate 841. They have worked with all the stakeholders to champion the legislative compromise that the Senate passed and which is before us today.

The National Federation of the Blind and the auto industry support the compromise legislation that will ensure pedestrian safety is not compromised by evolving engine technology.

The success of hybrid cars represents technological progress, but the byproduct is a silent engine that has raised concerns they are not audible to pedestrians and can jeopardize their safety. Quiet technology makes it very difficult for the blind and other pedestrians, such as children, joggers, or bicyclists, to evaluate traffic they do not see. The concern is greatest for blind pedestrians that rely on audible attributes of cars to evaluate direction and speed of traffic to ensure their safety. New vehicles that employ hybrid or electric engine technology can be silent, rendering them extremely dangerous in situations where vehicles and pedestrians come into proximity with each other.

The changes required by the legislation will become more important as hybrid technology becomes more and more widely deployed, and so I urge support.

I reserve the balance of my time.

Mr. BARROW. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Madam Speaker, I would like to thank the gentleman from Georgia for yielding time, and of course the ranking member as well. I rise to urge my colleagues to vote in favor of S. 841, the Pedestrian Safety Enhancement Act.

Today, environmentally friendly vehicles are quickly becoming a staple in the lives of Americans who are attempting to go green. I applaud the use of technology that decreases air pollution and fossil fuel consumption; however, we must address an unforeseen consequence of such innovation.

Over the years, we have heard tragic stories involving pedestrians and hybrid or electric vehicles. Not too long ago, news accounts were the story of a young child hit by a hybrid car. This accident was not caused by a driver's negligence or a car's manufacturing defect. It occurred because the child never heard the approaching car. The hybrids: engines were simply too quiet. Environmentally friendly vehicles such as hybrids often fail to produce audible sounds when driven.

The silent nature of these vehicles, coupled with the growing popularity, presents a dilemma: How do we protect individuals dependent on sounds for their safety, such as unsuspecting pedestrians and the blind? The solution lies in the Pedestrian Safety Act.

This act requires the Secretary of Transportation to conduct a study of the minimum level of sound required for environmentally friendly vehicles. Once this safety standard is determined, it will be applied to all new automobiles manufactured or sold in the United States beginning 2 years after the standard is issued. This is an effective way, not only to prevent avoidable injuries to pedestrians, but to do so without impeding innovation with stringent regulations.

It is clear that environmentally friendly vehicles are growing in popularity. While it is important to embrace technology that benefits our environment, we must do so with the safety of all citizens in mind.

This bill successfully passed the Senate last week and has been a long time coming here in the House. Our Chamber's companion bill, H.R. 734, has 238 bipartisan cosponsors. The bill coming to us from the Senate is even stronger. It is completely deficit neutral and supported by the Alliance of Automobile Manufacturers, the National Federation of the Blind, the Association of International Automobile Manufacturers, and the American Council of the Blind.

Before I conclude, Madam Speaker, let me take a moment to thank my colleague and friend, Representative CLIFF STEARNS, who has worked over the years with me on this bill. I want to thank staff members James Thomas and Nicole Alexander for their tremendous assistance in helping us move this important legislation forward. I would also like to thank Emily Khoury and Dana Grayson and all other staff that have made this moment a reality. This bill has been a model of bipartisanship and will benefit pedestrians across the country for years to come.

I urge all of my colleagues here in the House of Representatives to join me in supporting this very important legislation.

□ 1740

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

Mr. BARROW. Madam Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARROW) that the House suspend the rules and pass the bill, S. 841.

The question was taken.

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

Mr. BARROW. 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.

REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010

Mr. LEVIN. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Regulated Investment Company Modernization Act of 2010''.

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

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

Sec. 1. Short title, etc.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

Sec. 101. Capital loss carryovers of regulated investment companies.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

Sec. 201. Savings provisions for failures of regulated investment companies to satisfy gross income and asset tests.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

Sec. 301. Modification of dividend designation requirements and allocation rules for regulated investment companies.

Sec. 302. Earnings and profits of regulated investment companies.

Sec. 303. Pass-thru of exempt-interest dividends and foreign tax credits in fund of funds structure.

Sec. 304. Modification of rules for spillover dividends of regulated investment companies.

Sec. 305. Return of capital distributions of regulated investment companies.

Sec. 306. Distributions in redemption of stock of a regulated investment company.

Sec. 307. Repeal of preferential dividend rule for publicly offered regulated investment companies.

Sec. 308. Elective deferral of certain late-year losses of regulated investment companies.
Sec. 309. Exception to holding period requirement for certain regularly declared exempt-interest dividends.
TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES
Sec. 401. Excise tax exemption for certain regulated investment companies owned by tax exempt entities.
Sec. 402. Deferral of certain gains and losses of regulated investment companies for excise tax purposes.
Sec. 403. Distributed amount for excise tax purposes determined on basis of taxes paid by regulated investment company.
Sec. 404. Increase in required distribution of capital gain net income.
TITLE V—OTHER PROVISIONS
Sec. 501. Repeal of assessable penalty with respect to liability for tax of regulated investment companies.
Sec. 502. Modification of sales load basis deferral rule for regulated investment companies.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

SEC. 101. CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (a) of section 1212 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) REGULATED INVESTMENT COMPANIES.—

''(A) IN GENERAL.—If a regulated investment company has a net capital loss for any taxable year—

''(i) paragraph (1) shall not apply to such loss,

''(ii) the excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss arising on the first day of the next taxable year, and

''(iii) the excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss arising on the first day of the next taxable year.

''(B) COORDINATION WITH GENERAL RULE.—If a net capital loss to which paragraph (1) applies is carried over to a taxable year of a regulated investment company—

''(i) LOSSES TO WHICH THIS PARAGRAPH APPLIES.—Clauses (ii) and (iii) of subparagraph (A) shall be applied without regard to any amount treated as a short-term capital loss under paragraph (1).

''(ii) LOSSES TO WHICH GENERAL RULE APPLIES.—Paragraph (1) shall be applied by substituting 'net capital loss for the loss year or any taxable year thereafter (other than a net capital loss to which paragraph (3)(A) applies)' for 'net capital loss for the loss year or any taxable year thereafter'.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 1212(a)(1) is amended to read as follows:

''(C) a capital loss carryover to each of the 10 taxable years succeeding the loss year, but only to the extent such loss is attributable to a foreign expropriation loss,''.

(2) Paragraph (10) of section 1222 is amended by striking ''section 1212'' and inserting ''section 1212(a)(1)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to net capital losses for taxable years beginning after the date of the enactment of this Act.

(2) COORDINATION RULES.—Subparagraph (B) of section 1212(a)(3) of the Internal Revenue Code of 1986, as added by this section, shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

SEC. 201. SAVINGS PROVISIONS FOR FAILURES OF REGULATED INVESTMENT COMPANIES TO SATISFY GROSS INCOME AND ASSET TESTS.

(a) ASSET TEST.—Subsection (d) of section 851 is amended—

(1) by striking ''A corporation which meets'' and inserting the following:

''(1) IN GENERAL.—A corporation which meets'', and

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

''(2) SPECIAL RULES REGARDING FAILURE TO SATISFY REQUIREMENTS.—If paragraph (1) does not preserve a corporation's status as a regulated investment company for any particular quarter—

''(A) IN GENERAL.—A corporation that fails to meet the requirements of subsection (b)(3) (other than a failure described in subparagraph (B)(i)) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

''(i) following the corporation's identification of the failure to satisfy the requirements of such subsection for such quarter, a description of each asset that causes the corporation to fail to satisfy the requirements of such subsection at the close of such quarter is set forth in a schedule for such quarter filed in the manner provided by the Secretary,

''(ii) the failure to meet the requirements of such subsection for such quarter is due to reasonable cause and not due to willful neglect, and

''(iii)(I) the corporation disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation's identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

''(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation that fails to meet the requirements of subsection (b)(3) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

''(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

''(I) 1 percent of the total value of the corporation's assets at the end of the quarter for which such measurement is done, or

''(II) $10,000,000, and

''(ii)(I) the corporation, following the identification of such failure, disposes of assets in order to meet the requirements of such subsection within 6 months after the last day of the quarter in which the corporation's identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

''(C) TAX.—

''(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation for any quarter, there is hereby imposed on such corporation a tax in an amount equal to the greater of—

''(I) $50,000, or

''(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

''(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of subsection (b)(3) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the corporation disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such subsection.

''(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, a tax imposed by this subparagraph shall be treated as an excise tax with respect to which the deficiency procedures of such subtitle apply.''.

(b) GROSS INCOME TEST.—Section 851 is amended by adding at the end the following new subsection:

''(i) FAILURE TO SATISFY GROSS INCOME TEST.—

''(1) DISCLOSURE REQUIREMENT.—A corporation that fails to meet the requirement of paragraph (2) of subsection (b) for any taxable year shall nevertheless be considered to have satisfied the requirement of such paragraph for such taxable year if—

''(A) following the corporation's identification of the failure to meet such requirement for such taxable year, a description of each item of its gross income described in such paragraph is set forth in a schedule for such taxable year filed in the manner provided by the Secretary, and

''(B) the failure to meet such requirement is due to reasonable cause and not due to willful neglect.

''(2) IMPOSITION OF TAX ON FAILURES.—If paragraph (1) applies to a regulated investment company for any taxable year, there is hereby imposed on such company a tax in an amount equal to the excess of—

''(A) the gross income of such company which is not derived from sources referred to in subsection (b)(2), over

''(B) 1/9 of the gross income of such company which is derived from such sources.''.

(c) DEDUCTION OF TAXES PAID FROM INVESTMENT COMPANY TAXABLE INCOME.—Paragraph (2) of section 852(b) is amended by adding at the end the following new subparagraph:

''(G) There shall be deducted an amount equal to the tax imposed by subsections (d)(2) and (i) of section 851 for the taxable year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years with respect to which the due date (determined with regard to any extensions) of the return of tax for such taxable year is after the date of the enactment of this Act.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

SEC. 301. MODIFICATION OF DIVIDEND DESIGNATION REQUIREMENTS AND ALLOCATION RULES FOR REGULATED INVESTMENT COMPANIES.

(a) CAPITAL GAIN DIVIDENDS.—

(1) IN GENERAL.—Subparagraph (C) of section 852(b)(3) is amended to read as follows:

''(C) DEFINITION OF CAPITAL GAIN DIVIDEND.—For purposes of this part—

''(i) IN GENERAL.—Except as provided in clause (ii), a capital gain dividend is any dividend, or part thereof, which is reported by the company as a capital gain dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the net capital gain of the company for such taxable year, a capital gain dividend is the excess of—

''(I) the reported capital gain dividend amount, over

''(II) the excess reported amount which is allocable to such reported capital gain dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported capital gain

dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported capital gain dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED CAPITAL GAIN DIVIDEND AMOUNT.—The term 'reported capital gain dividend amount' means the amount reported to its shareholders under clause (i) as a capital gain dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the net capital gain of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as capital gain dividends for the taxable year (including capital gain dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) ADJUSTMENT FOR DETERMINATIONS.—If there is an increase in the excess described in subparagraph (A) for the taxable year which results from a determination (as defined in section 860(e)), the company may, subject to the limitations of this subparagraph, increase the amount of capital gain dividends reported under clause (i).

''(vi) SPECIAL RULE FOR LOSSES LATE IN THE CALENDAR YEAR.—For special rule for certain losses after October 31, see paragraph (8).''.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 860(f)(2) is amended by inserting ''or reported (as the case may be)'' after ''designated''.

(b) EXEMPT-INTEREST DIVIDENDS.—Subparagraph (A) of section 852(b)(5) is amended to read as follows:

''(A) DEFINITION OF EXEMPT-INTEREST DIVIDEND.—

''(i) IN GENERAL.—Except as provided in clause (ii), an exempt-interest dividend is any dividend or part thereof (other than a capital gain dividend) paid by a regulated investment company and reported by the company as an exempt-interest dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the exempt interest of the company for such taxable year, an exempt-interest dividend is the excess of—

''(I) the reported exempt-interest dividend amount, over

''(II) the excess reported amount which is allocable to such reported exempt-interest dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported exempt-interest dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported exempt-interest dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED EXEMPT-INTEREST DIVIDEND AMOUNT.—The term 'reported exempt-interest dividend amount' means the amount reported to its shareholders under clause (i) as an exempt-interest dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the exempt interest of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(V) EXEMPT INTEREST.—The term 'exempt interest' means, with respect to any regulated investment company, the excess of the amount of interest excludable from gross income under section 103(a) over the amounts disallowed as deductions under sections 265 and 171(a)(2).''.

(c) FOREIGN TAX CREDITS.—

(1) IN GENERAL.—Subsection (c) of section 853 is amended—

(A) by striking ''so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of the taxable year'' and inserting ''so reported by the company in a written statement furnished to such shareholder'', and

(B) by striking ''NOTICE'' in the heading and inserting ''STATEMENTS''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853 is amended—

(A) by striking ''and the notice to shareholders required by subsection (c)'' in the text thereof, and

(B) by striking ''AND NOTIFYING SHAREHOLDERS'' in the heading thereof.

(d) CREDITS FOR TAX CREDIT BONDS.—

(1) IN GENERAL.—Subsection (c) of section 853A is amended—

(A) by striking ''so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year'' and inserting ''so reported by the regulated investment company in a written statement furnished to such shareholder'', and

(B) by striking ''NOTICE'' in the heading and inserting ''STATEMENTS''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853A is amended—

(A) by striking ''and the notice to shareholders required by subsection (c)'' in the text thereof, and

(B) by striking ''AND NOTIFYING SHAREHOLDERS'' in the heading thereof.

(e) DIVIDEND RECEIVED DEDUCTION, ETC.—

(1) IN GENERAL.—Paragraph (1) of section 854(b) is amended—

(A) by striking ''designated under this subparagraph by the regulated investment company'' in subparagraph (A) and inserting ''reported by the regulated investment company as eligible for such deduction in written statements furnished to its shareholders'',

(B) by striking ''designated by the regulated investment company'' in subparagraph (B)(i) and inserting ''reported by the regulated investment company as qualified dividend income in written statements furnished to its shareholders'',

(C) by striking ''designated'' in subparagraph (C)(i) and inserting ''reported'', and

(D) by striking ''designated'' in subparagraph (C)(ii) and inserting ''reported''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 854 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(f) DIVIDENDS PAID TO CERTAIN FOREIGN PERSONS.—

(1) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) is amended by striking all that precedes ''any taxable year of the company beginning'' and inserting the following:

''(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph—

''(i) IN GENERAL.—Except as provided in clause (ii), an interest related dividend is any dividend, or part thereof, which is reported by the company as an interest related dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified net interest income of the company for such taxable year, an interest related dividend is the excess of—

''(I) the reported interest related dividend amount, over

''(II) the excess reported amount which is allocable to such reported interest related dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported interest related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported interest related dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED INTEREST RELATED DIVIDEND AMOUNT.—The term 'reported interest related dividend amount' means the amount reported to its shareholders under clause (i) as an interest related dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the qualified net interest income of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as interest related dividends for the taxable year (including interest related dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) TERMINATION.—The term 'interest related dividend' shall not include any dividend with respect to''.

(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) is amended by striking all that precedes ''any taxable year of the company beginning'' and inserting the following:

''(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'short-term capital gain dividend' means any dividend, or part thereof, which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified short-term gain of the company for such taxable year, the term 'short-term capital gain dividend' means the excess of—

''(I) the reported short-term capital gain dividend amount, over

''(II) the excess reported amount which is allocable to such reported short-term capital gain dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported short-term capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported short-term capital gain dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED SHORT-TERM CAPITAL GAIN DIVIDEND AMOUNT.—The term 'reported short-term capital gain dividend amount' means the amount reported to its shareholders under clause (i) as a short-term capital gain dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the qualified short-term gain of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as short-term capital gain dividends for the taxable year (including short-term capital gain dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) TERMINATION.—The term 'short-term capital gain dividend' shall not include any dividend with respect to''.

(g) CONFORMING AMENDMENTS.—Section 855 is amended—

(1) by striking subsection (c) and redesignating subsection (d) as subsection (c), and

(2) by striking '', (c) and (d)'' in subsection (a) and inserting ''and (c)''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(i) APPLICATION OF JGTRRA SUNSET.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall apply to the amendments made by subparagraphs (B) and (D) of subsection (e)(1) to the same extent and in the same manner as section 303 of such Act applies to the amendments made by section 302 of such Act.

SEC. 302. EARNINGS AND PROFITS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (1) of section 852(c) is amended to read as follows:

''(1) TREATMENT OF NONDEDUCTIBLE ITEMS.—

''(A) NET CAPITAL LOSS.—If a regulated investment company has a net capital loss for any taxable year—

''(i) such net capital loss shall not be taken into account for purposes of determining the company's earnings and profits, and

''(ii) any capital loss arising on the first day of the next taxable year by reason of clause (ii) or (iii) of section 1212(a)(3)(A) shall be treated as so arising for purposes of determining earnings and profits.

''(B) OTHER NONDEDUCTIBLE ITEMS.—

''(i) IN GENERAL.—The earnings and profits of a regulated investment company for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction (other than by reason of section 265 or 171(a)(2)) in computing its taxable income for such taxable year.

''(ii) COORDINATION WITH TREATMENT OF NET CAPITAL LOSSES.—Clause (i) shall not apply to a net capital loss to which subparagraph (A) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

''(4) REGULATED INVESTMENT COMPANY.—For purposes of this subsection, the term 'regulated investment company' includes a domestic corporation which is a regulated investment company determined without regard to the requirements of subsection (a).''.

(2) Paragraphs (1)(A) and (2)(A) of section 871(k) are each amended by inserting ''which meets the requirements of section 852(a) for the taxable year with respect to which the dividend is paid'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 303. PASS-THRU OF EXEMPT-INTEREST DIVIDENDS AND FOREIGN TAX CREDITS IN FUND OF FUNDS STRUCTURE.

(a) IN GENERAL.—Section 852 is amended by adding at the end the following new subsection:

''(g) SPECIAL RULES FOR FUND OF FUNDS.—

''(1) IN GENERAL.—In the case of a qualified fund of funds—

''(A) such fund shall be qualified to pay exempt-interest dividends to its shareholders without regard to whether such fund satisfies the requirements of the first sentence of subsection (b)(5), and

''(B) such fund may elect the application of section 853 (relating to foreign tax credit allowed to shareholders) without regard to the requirement of subsection (a)(1) thereof.

''(2) QUALIFIED FUND OF FUNDS.—For purposes of this subsection, the term 'qualified fund of funds' means a regulated investment company if (at the close of each quarter of the taxable year) at least 50 percent of the value of its total assets is represented by interests in other regulated investment companies.''.

(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. 304. MODIFICATION OF RULES FOR SPILLOVER DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) DEADLINE FOR DECLARATION OF DIVIDEND.—Paragraph (1) of section 855(a) is amended to read as follows:

''(1) declares a dividend before the later of—

''(A) the 15th day of the 9th month following the close of the taxable year, or

''(B) in the case of an extension of time for filing the company's return for the taxable year, the due date for filing such return taking into account such extension, and''.

(b) DEADLINE FOR DISTRIBUTION OF DIVIDEND.—Paragraph (2) of section 855(a) is amended by striking ''the first regular dividend payment'' and inserting ''the first dividend payment of the same type of dividend''.

(c) SHORT-TERM CAPITAL GAIN.—Subsection (a) of section 855 is amended by adding at the end the following: ''For purposes of paragraph (2), a dividend attributable to any short-term capital gain with respect to which a notice is required under the Investment Company Act of 1940 shall be treated as the same type of dividend as a capital gain dividend.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 305. RETURN OF CAPITAL DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (b) of section 316 is amended by adding at the end the following new paragraph:

''(4) CERTAIN DISTRIBUTIONS BY REGULATED INVESTMENT COMPANIES IN EXCESS OF EARNINGS AND PROFITS.—In the case of a regulated investment company that has a taxable year other than a calendar year, if the distributions by the company with respect to any class of stock of such company for the taxable year exceed the company's current and accumulated earnings and profits which may be used for the payment of dividends on such class of stock, the company's current earnings and profits shall, for purposes of subsection (a), be allocated first to distributions with respect to such class of stock made during the portion of the taxable year which precedes January 1.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 306. DISTRIBUTIONS IN REDEMPTION OF STOCK OF A REGULATED INVESTMENT COMPANY.

(a) REDEMPTIONS TREATED AS EXCHANGES.—

(1) IN GENERAL.—Subsection (b) of section 302 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REDEMPTIONS BY CERTAIN REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall apply to any distribution in redemption of stock of a publicly offered regulated investment company (within the meaning of section 67(c)(2)(B)) if—

''(A) such redemption is upon the demand of the stockholder, and

''(B) such company issues only stock which is redeemable upon the demand of the stockholder.''.

(2) CONFORMING AMENDMENT.—Subsection (a) of section 302 is amended by striking ''or (4)'' and inserting ''(4), or (5)''.

(b) LOSSES ON REDEMPTIONS NOT DISALLOWED FOR FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Paragraph (3) of section 267(f) is amended by adding at the end the following new subparagraph:

''(D) REDEMPTIONS BY FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a)(1) shall not apply to any distribution in redemption of stock of a regulated investment company if—

''(i) such company issues only stock which is redeemable upon the demand of the stockholder, and

''(ii) such redemption is upon the demand of another regulated investment company.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 307. REPEAL OF PREFERENTIAL DIVIDEND RULE FOR PUBLICLY OFFERED REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (c) of section 562 is amended by striking ''The amount'' and inserting ''Except in the case of a publicly offered regulated investment company (as defined in section 67(c)(2)(B)), the amount''.

(b) CONFORMING AMENDMENT.—Section 562(c) is amended by inserting ''(other than a publicly

offered regulated investment company (as so defined))'' after ''regulated investment company'' in the second sentence thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 308. ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (8) of section 852(b) is amended to read as follows:

''(8) ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES.—

''(A) IN GENERAL.—Except as otherwise provided by the Secretary, a regulated investment company may elect for any taxable year to treat any portion of any qualified late-year loss for such taxable year as arising on the first day of the following taxable year for purposes of this title.

''(B) QUALIFIED LATE-YEAR LOSS.—For purposes of this paragraph, the term 'qualified late-year loss' means—

''(i) any post-October capital loss, and

''(ii) any late-year ordinary loss.

''(C) POST-OCTOBER CAPITAL LOSS.—For purposes of this paragraph, the term 'post-October capital loss' means the greatest of—

''(i) the net capital loss attributable to the portion of the taxable year after October 31,

''(ii) the net long-term capital loss attributable to such portion of the taxable year, or

''(iii) the net short-term capital loss attributable to such portion of the taxable year.

''(D) LATE-YEAR ORDINARY LOSS.—For purposes of this paragraph, the term 'late-year ordinary loss' means the excess (if any) of—

''(i) the sum of—

''(I) the specified losses (as defined in section 4982(e)(5)(B)(ii)) attributable to the portion of the taxable year after October 31, plus

''(II) the ordinary losses not described in subclause (I) attributable to the portion of the taxable year after December 31, over

''(ii) the sum of—

''(I) the specified gains (as defined in section 4982(e)(5)(B)(i)) attributable to the portion of the taxable year after October 31, plus

''(II) the ordinary income not described in subclause (I) attributable to the portion of the taxable year after December 31.

''(E) SPECIAL RULE FOR COMPANIES DETERMINING REQUIRED CAPITAL GAIN DISTRIBUTIONS ON TAXABLE YEAR BASIS.—In the case of a company to which an election under section 4982(e)(4) applies—

''(i) if such company's taxable year ends with the month of November, the amount of qualified late-year losses (if any) shall be computed without regard to any income, gain, or loss described in subparagraphs (C), (D)(i)(I), and (D)(ii)(I), and

''(ii) if such company's taxable year ends with the month of December, subparagraph (A) shall not apply.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 852 is amended by striking paragraph (10).

(2) Paragraph (2) of section 852(c) is amended by striking the first sentence and inserting the following: ''For purposes of applying this chapter to distributions made by a regulated investment company with respect to any calendar year, the earnings and profits of such company shall be determined without regard to any net capital loss attributable to the portion of the taxable year after October 31 and without regard to any late-year ordinary loss (as defined in subsection (b)(8)(D)).''

(3) Subparagraph (D) of section 871(k)(2) is amended by striking the last two sentences and inserting the following: ''For purposes of this subparagraph, the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of another regulated investment company as a short-term capital gain.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 309. EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) IN GENERAL.—Subparagraph (E) of section 852(b)(4) is amended by striking all that precedes ''In the case of a regulated investment company'' and inserting the following:

''(E) EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.—

''(i) DAILY DIVIDEND COMPANIES.—Except as otherwise provided by regulations, subparagraph (B) shall not apply with respect to a regular dividend paid by a regulated investment company which declares exempt-interest dividends on a daily basis in an amount equal to at least 90 percent of its net tax-exempt interest and distributes such dividends on a monthly or more frequent basis.

''(ii) AUTHORITY TO SHORTEN REQUIRED HOLDING PERIOD WITH RESPECT TO OTHER COMPANIES.—''.

(b) CONFORMING AMENDMENT.—Clause (ii) of section 852(b)(4)(E), as amended by subsection (a), is amended by inserting ''(other than a company described in clause (i))'' after ''regulated investment company''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses incurred on shares of stock for which the taxpayer's holding period begins after the date of the enactment of this Act.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

SEC. 401. EXCISE TAX EXEMPTION FOR CERTAIN REGULATED INVESTMENT COMPANIES OWNED BY TAX EXEMPT ENTITIES.

(a) IN GENERAL.—Subsection (f) of section 4982 is amended—

(1) by striking ''either'' in the matter preceding paragraph (1),

(2) by striking ''or'' at the end of paragraph (1),

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraphs:

''(3) any other tax-exempt entity whose ownership of beneficial interests in the company would not preclude the application of section 817(h)(4), or

''(4) another regulated investment company described in this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 402. DEFERRAL OF CERTAIN GAINS AND LOSSES OF REGULATED INVESTMENT COMPANIES FOR EXCISE TAX PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 4982 is amended by striking paragraphs (5) and (6) and inserting the following new paragraphs:

''(5) TREATMENT OF SPECIFIED GAINS AND LOSSES AFTER OCTOBER 31 OF CALENDAR YEAR.—

''(A) IN GENERAL.—Any specified gain or specified loss which (but for this paragraph) would be properly taken into account for the portion of the calendar year after October 31 shall be treated as arising on January 1 of the following calendar year.

''(B) SPECIFIED GAINS AND LOSSES.—For purposes of this paragraph—

''(i) SPECIFIED GAIN.—The term 'specified gain' means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1296(a)(1).

''(ii) SPECIFIED LOSS.—The term 'specified loss' means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1296(a)(2).

''(C) SPECIAL RULE FOR COMPANIES ELECTING TO USE THE TAXABLE YEAR.—In the case of any company making an election under paragraph (4), subparagraph (A) shall be applied by substituting the last day of the company's taxable year for October 31.

''(6) TREATMENT OF MARK TO MARKET GAIN.—

''(A) IN GENERAL.—For purposes of determining a regulated investment company's ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company's taxable year ended on October 31. In the case of a company making an election under paragraph (4), the preceding sentence shall be applied by substituting the last day of the company's taxable year for October 31.

''(B) SPECIFIED MARK TO MARKET PROVISION.—For purposes of this paragraph, the term 'specified mark to market provision' means sections 1256 and 1296 and any other provision of this title (or regulations thereunder) which treats property as disposed of on the last day of the taxable year.

''(7) ELECTIVE DEFERRAL OF CERTAIN ORDINARY LOSSES.—Except as provided in regulations prescribed by the Secretary, in the case of a regulated investment company which has a taxable year other than the calendar year—

''(A) such company may elect to determine its ordinary income for the calendar year without regard to any net ordinary loss (determined without regard to specified gains and losses taken into account under paragraph (5)) which is attributable to the portion of such calendar year which is after the beginning of the taxable year which begins in such calendar year, and

''(B) any amount of net ordinary loss not taken into account for a calendar year by reason of subparagraph (A) shall be treated as arising on the 1st day of the following calendar year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 403. DISTRIBUTED AMOUNT FOR EXCISE TAX PURPOSES DETERMINED ON BASIS OF TAXES PAID BY REGULATED INVESTMENT COMPANY.

(a) IN GENERAL.—Subsection (c) of section 4982 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR ESTIMATED TAX PAYMENTS.—

''(A) IN GENERAL.—In the case of a regulated investment company which elects the application of this paragraph for any calendar year—

''(i) the distributed amount with respect to such company for such calendar year shall be increased by the amount on which qualified estimated tax payments are made by such company during such calendar year, and

''(ii) the distributed amount with respect to such company for the following calendar year shall be reduced by the amount of such increase.

''(B) QUALIFIED ESTIMATED TAX PAYMENTS.—For purposes of this paragraph, the term 'qualified estimated tax payments' means, with respect to any calendar year, payments of estimated tax of a tax described in paragraph (1)(B) for any taxable year which begins (but does not end) in such calendar year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. INCREASE IN REQUIRED DISTRIBUTION OF CAPITAL GAIN NET INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 4982(b)(1) is amended by striking ''98 percent'' and inserting ''98.2 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

TITLE V—OTHER PROVISIONS

SEC. 501. REPEAL OF ASSESSABLE PENALTY WITH RESPECT TO LIABILITY FOR TAX OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 is amended by striking section 6697 (and by striking the item relating to such section in the table of sections of such part).

(b) CONFORMING AMENDMENT.—Section 860 is amended by striking subsection (j).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 502. MODIFICATION OF SALES LOAD BASIS DEFERRAL RULE FOR REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subparagraph (C) of section 852(f)(1) is amended by striking ''subsequently acquires'' and inserting ''acquires, during the period beginning on the date of the disposition referred to in subparagraph (B) and ending on January 31 of the calendar year following the calendar year that includes the date of such disposition,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to charges incurred in taxable years beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert any extraneous material in the CONGRESSIONAL RECORD.

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

There was no objection.

Mr. LEVIN. I yield such time as he may consume to the gentleman from Massachusetts (Mr. NEAL), someone who has been working on this issue for—I don't know how long—a long time.

Mr. NEAL. I thank the chairman.

Madam Speaker, this legislation has already passed the House. It really was a bipartisan achievement this year, and much of the good work that went into this legislation has been years in coming.

More than 100 years ago, the first mutual fund was started in Boston, Massachusetts. Mutual funds have been a way for the ''everyman'' to invest in the market with benefits of pooling and diversification. Today, more than 50 million households invest through mutual funds with a median household income of $80,000. More than 50 percent of 401(k) plan assets were invested in mutual funds at the end of 2009.

H.R. 4337 was introduced last year by Mr. RANGEL and me to modernize the tax laws regarding regulated investment companies, better known as mutual funds. The tax rules that relate to mutual funds date back more than 50 years, and although these rules have been updated from time to time, it has been over 20 years since the rules were last revisited.

The bill before us today would make several changes to the Tax Code to address outdated provisions, such as rules that relate to preferential dividends, rules that require mutual funds to send separate annual dividend designation notices to shareholders, and rules that prevent mutual funds from earning income from commodities.

In June, my subcommittee, the Select Revenue Measures Subcommittee, reviewed this legislation with a panel of experts who expressed support for the changes. Simply put, the subcommittee held a hearing, and there was broad support on the Democratic side and on the Republican side for the accomplishment that sits in front of us.

I am pleased to support this modified legislation, which is also revenue neutral. The Ways and Means Committee has a responsibility to review our tax rules from time to time and to remove the deadwood and update where necessary. This bill accomplishes that to the benefit of the investors, taxpayers, and mutual fund companies.

I urge its adoption. I thank the chairman for yielding to me, and I thank our friends on the other side for their endorsement of this legislation as well.

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

Madam Speaker, as was just said, regulated investment companies, better known as mutual funds to most Americans and to us, are intended to provide individual investors the ability to invest easily and with low cost in a diversified pool of professionally managed investments, and they have worked. In fact, according to the Investment Company Institute, the largest trade association for mutual funds, as Chairman NEAL said, more than 50 million American families currently invest in mutual funds.

Most of the current laws that mutual funds have to deal with have not been comprehensively updated for more than two decades. In fact, H.R. 4337 would modify and update certain technical tax rules pertaining to mutual funds. These changes will allow mutual funds to better conform to and interact with other aspects of the Tax Code and security laws.

As Chairman NEAL said, we had a wonderful hearing where every single person who testified agreed to the changes in the underlying piece of legislation. It was passed in this House unanimously after that hearing this last summer. Every witness was supportive, and no opposition came before us with respect to the legislation. It was passed in the Senate last week by unanimous consent, with one change.

My hope is today, Chairman LEVIN, Chairman NEAL, Madam Speaker, that this House will once again vote for this underlying piece of legislation with the one change and send it on to the President. Let's make this change, and let's give American mutual fund investors some certainty into the future.

I yield back the balance of my time.

Mr. LEVIN. Madam Speaker, the bill before us right now makes important changes to the tax law rules that relate, as Mr. NEAL and Mr. TIBERI said, to regulated investment companies, more commonly known as mutual funds. They were described 80 years ago in testimony before the Ways and Means Committee as, ''A group of small investors who have banded together for the purpose of obtaining diversity and supervision through the medium of pooling their investments.''

While mutual funds continue to serve this important role, the tax rules that govern mutual funds have not been updated in over 20 years. In June of this year, the Select Revenue Measures Subcommittee, chaired by Mr. NEAL, heard testimony from a variety of industry experts stressing the importance of modifying our Nation's tax laws to ensure that the technical tax rules pertaining to mutual funds would better interact with other tax rules.

The Ways and Means Committee and the Congress have an obligation to ensure that our tax rules keep up with the times, so the bill before us would update and simplify the rules that apply to mutual funds to ensure that small investors are not disadvantaged simply because they band their investments together through a mutual fund rather than investing directly.

The bill enjoys strong bipartisan support. It passed the House by voice vote earlier this year and just last week was amended to pass the Senate by unanimous consent.

I want to thank all of my colleagues on Ways and Means and all others who joined for their contributions to ensure that these important changes to the mutual fund rules can be swiftly signed into law by the President of the United States. Passage today will do just that. So I urge strong support for this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4337.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

□ 1750

OMNIBUS TRADE ACT OF 2010

Mr. LEVIN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6517) to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6517

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 ''Omnibus Trade Act of 2010''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Extension of Trade Adjustment Assistance and certain trade preference programs.

(2) Division B—Tariff and related provisions.

(3) Division C—Offsets.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE AND CERTAIN TRADE PREFERENCE PROGRAMS

TITLE I—TRADE ADJUSTMENT ASSISTANCE AND HEALTH COVERAGE IMPROVEMENT

Subtitle A—Extension of Trade Adjustment Assistance

Sec. 101. Extension of Trade Adjustment Assistance.
Sec. 102. Merit staffing for State administration of Trade Adjustment Assistance.

Subtitle B—Health Coverage Improvement

Sec. 111. Improvement of the affordability of the credit.
Sec. 112. Payment for the monthly premiums paid prior to commencement of the advance payments of credit.
Sec. 113. TAA recipients not enrolled in training programs eligible for credit.
Sec. 114. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.
Sec. 115. Continued qualification of family members after certain events.
Sec. 116. Extension of COBRA benefits for certain TAA-eligible individuals and PBGC recipients.
Sec. 117. Addition of coverage through voluntary employees' beneficiary associations.
Sec. 118. Notice requirements.

Subtitle C—Other Modifications to Trade Adjustment Assistance

Sec. 121. Community College and Career Training Grant Program.

TITLE II—GENERALIZED SYSTEM OF PREFERENCES AND ANDEAN TRADE PREFERENCES ACT

Sec. 201. Extension of Generalized System of Preferences.
Sec. 202. Extension of Andean Trade Preference Act.

DIVISION B—TARIFF AND RELATED PROVISIONS

Sec. 1001. Reference.

TITLE I—NEW AND EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Subtitle A—New Duty Suspensions and Reductions

Sec. 1101. Certain plasma flat panel displays.
Sec. 1102. Golf club driver heads.
Sec. 1103. Electronic dimming ballasts.
Sec. 1104. Nickel carbonate.
Sec. 1105. Cobalt carbonate.
Sec. 1106. Tebuthiuron.
Sec. 1107. 2,4-Diamino-3- [4-(2-sulfoxyethylsulfonyl)-phenylazo]-5- [4-(2-sulfoxyethylsulfonyl) -2-sulfophenylazo] -benzenesulfonic acid potassium sodium salt.
Sec. 1108. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, containing 85 percent or more by weight of acrylonitrile units.
Sec. 1109. Capacitor grade homopolymer polypropylene resin in primary form.
Sec. 1110. Compound T3028.
Sec. 1111. 4-Vinylbenzenesulfonic acid, sodium salt hydrate.
Sec. 1112. 4-Vinylbenzenesulfonic acid, lithium salt.
Sec. 1113. Certain cathode ray tubes.
Sec. 1114. Bromacil.
Sec. 1115. Dimethyl 2,3,5,6-tetrachloro-1,4-benzenedicarboxylate.
Sec. 1116. 1,1,2-2-Tetrafluoroethylene, oxidized, polymerized, reduced.
Sec. 1117. Diphosphoric acid, polymers with ethoxylated reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene.
Sec. 1118. 1,2-Propanediol, 3-(diethylamino)-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3,-trimethylcyclohexane, propylene glycol and reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene, 2-ethyl-1-hexanol-blocked, acetates (salts).
Sec. 1119. Spirotetramat.
Sec. 1120. Flubendiamide.
Sec. 1121. 1,3-Cyclohexanedione.
Sec. 1122. Thiencarbazone-methyl.
Sec. 1123. Tembotrione.
Sec. 1124. 2-(Methylthio)-4-(trifluoromethyl) benzoic acid.
Sec. 1125. Products containing 3-Mesityl-2-oxo-1-oxaspiro[4.4]non-3-en-4-yl 3,3-dimethylbutyrate.
Sec. 1126. Mixtures containing Pyrasulfotole: 5-Hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone; and Bromoxynil Octanoate: 2,4-Dibromo-6-cyanophenyl octanoate; and Bromoxynil Heptanoate: 2,4-Dibromo-6-cyanophenyl heptanoate.
Sec. 1127. Cyprosulfamide.
Sec. 1128. Mixtures of N-[2-(2-oxoimidazolidine-1-yl)ethyl]-2-methylacrylamide, methacrylic acid, aminoethyl ethylene urea and hydroquinone.
Sec. 1129. Quinaldine.
Sec. 1130. 4,4′-Butylidenebis[2-(1,1-dimethylethyl)-5-methyl-phenol].
Sec. 1131. 2,2′-Methylenebis[6-(1,1-dimethylethyl)-4-phenol.
Sec. 1132. Basic Red 51.
Sec. 1133. 2-Aminotoluene-5-sulfonic acid.
Sec. 1134. Solvent Violet 13.
Sec. 1135. Solvent Violet 11.
Sec. 1136. Disperse Blue 359.
Sec. 1137. Disperse Yellow 241.
Sec. 1138. Dimyristyl peroxydicarbonate.
Sec. 1139. Dicetyl peroxydicarbonate.
Sec. 1140. Variable speed hubs (except 2- and 3-speed).
Sec. 1141. 1,4-Benzenedisulfonic acid, 2,2′-[(1-methyl-1,2-ethanediyl)bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino(1-hydroxy-3-sulfo-6,2-naphthalenediyl)azo]]bis[5-methoxy-, sodium salt.
Sec. 1142. 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-chloro-6-[[7-[[4-(ethenylsulfonyl)phenyl]azo]-8-hydroxy-3,6-disulfo-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]ethyl](2-hydroxyethyl)amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydroxy-, sodium salt.
Sec. 1143. S-Methoprene.
Sec. 1144. S-abscisic acid.
Sec. 1145. 1,2,4-Triazole.
Sec. 1146. Fluopicolide.
Sec. 1147. Fenhexamid.
Sec. 1148. Belt & Synapse.
Sec. 1149. Acetoacetamide.
Sec. 1150. Squaric acid.
Sec. 1151. Chlorodimethylacetoacetamide.
Sec. 1152. Certain mixtures of N,N′-dimethylacetoacetamide.
Sec. 1153. Lambda-cyhalothrin.
Sec. 1154. Mondur M Flaked.
Sec. 1155. Certain acrylic fiber tow.
Sec. 1156. Single light optical sensor, stainless steel casing, 0.5 meter-long, 2.2 millimeter diameter cable.
Sec. 1157. A5546 sulfonamide.
Sec. 1158. Hexanedioic acid, polymer with 1,2-ethanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and 1,3-isobenzofurandione, 2-propenoate.
Sec. 1159. Certain hot feed extruding machines certified by the importer as being used in the production of truck and automobile tires, such machines capable of extruding rubber materials measuring 870 mm or more but not over 1200 mm in width, and parts thereof.
Sec. 1160. 7-Hydroxy.
Sec. 1161. Dimethomorph.
Sec. 1162. Certain engines for snowmobiles.
Sec. 1163. Mixtures of polyvinyl alcohol and polyvinyl pyrrolidone.
Sec. 1164. Zinc diethylphosphinate.
Sec. 1165. VAT Orange 7.
Sec. 1166. 1-Nitroanthraquinone.
Sec. 1167. Leucoquinizarin.
Sec. 1168. 2,2′-(2-Methylpropylidene) bis(4,6-dimethylphenol).
Sec. 1169. 2,5-Bis(1,1-dimethylpropyl)-1,4-benzenediol.
Sec. 1170. 4,4′-Thiobis[2-(1,1-di-methylethyl)-5-methyl-phenol].
Sec. 1171. Benzeneacetic acid, α-amino-4-chloro.
Sec. 1172. 1-Amino-2,6-dimethylbenzene.
Sec. 1173. p-Aminobenzoic Acid.
Sec. 1174. 2-Amino-3-Cyanothiophene.
Sec. 1175. Nesoi hubs.
Sec. 1176. Polyethylene glycol branched-nonylphenyl ether phosphate.
Sec. 1177. Bismuth subsalicylate.
Sec. 1178. 5-Ethyl-2-methylpyridine.
Sec. 1179. Polyphenolcyanate.
Sec. 1180. Chemical that is used for dyeing apparel home textiles.
Sec. 1181. Hexane, 1,6-dichloro-.

Sec. 1182. Propanedioic acid, diethyl ester.
Sec. 1183. Butane, 1-chloro.
Sec. 1184. Mixtures containing methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluate (Mesosulfuron-methyl) and methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate, sodium salt (Iodosulfuron methyl, sodium salt), whether or not mixed with application adjuvants.
Sec. 1185. Mixtures containing [3-[(6-chloro-3-pridinyl)methyl]-2-thiazolidinylidene]cyanamide.
Sec. 1186. Mixtures containing (E)-1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine (Imidacloprid).
Sec. 1187. Mixtures containing methyl 4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carbonylsulfamoyl]-5-methylthiophene-3-carboxylate (Thiencarbazone-methyl).
Sec. 1188. 2-Amino-5-chloro-N,3-dimethylbenzamide.
Sec. 1189. [3-(4,5-Dihydro-isoxazol-3-yl)-4-methylsulfonyl-2-methylphenyl](5-hydroxy-1-methyl-1H-pyrazol-4-yl) methanone (Topramezone).
Sec. 1190. Products containing (E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine (Clothianidin).
Sec. 1191. Tetrakis(hydroxymethyl) phosphonium sulfate (THPS).
Sec. 1192. 1,1′-(1-Methylethylidene)bis(3,5-dibromo-4-(2,3-dibromopropoxy)benzene (Tetrabromobisphenol A bis(2,3-dibromopropyl ether).
Sec. 1193. Bells designed for use on bicycles.
Sec. 1194. Acid blue 171 (Cobaltate(2-), [6-(amino-κN)-5-[[2-(hydroxy-κO)-4-nitrophenyl]azo-κN1}-Nmethyl-2-naphthalenesulfonamidato(2-)][6-(amino-κN)-5-[[2-(hydroxy-κO)-4-nitrophenyl]azo-κN1]-2-naphthalenesulfonato(3-)]-, disodium).
Sec. 1195. Tetrapotassium hexa(cyano-C) cobaltate(4-).
Sec. 1196. Triallyl cyanurate.
Sec. 1197. Certain Christmas-tree filament lamps.
Sec. 1198. Certain Christmas-tree filament lamps designed for a voltage not exceeding 100 V.
Sec. 1199. Mixtures containing (5-cyclopropyl-1,2-oxazol-4-yl)(α,α,α-trifluoro-2-mesyl-p-tolyl)methanone (Isoxaflutole).
Sec. 1200. N,N-Dimethylacetoacetamide.
Sec. 1201. Certain mixtures of N,N-dimethylacetoacetamide.
Sec. 1202. Chemical used in the production of textiles.
Sec. 1203. Chemical that is used for dyeing certain home textiles.
Sec. 1204. Reactive Red 228.
Sec. 1205. Paraquat Technical + Emetic.
Sec. 1206. Tembotrione.
Sec. 1207. Certain products.
Sec. 1208. Ferroniobium.
Sec. 1209. Effective date.

Subtitle B—Extension of Existing Duty Suspension

Sec. 1301. Extension of certain existing duty suspension.
Sec. 1302. Effective date.

TITLE II—ADDITIONAL TARIFF PROVISIONS

Subtitle A—Additional New Duty Suspensions and Reductions

Sec. 2101. Fenarimol technical.
Sec. 2102. Phosmet technical.
Sec. 2103. Chime melody rod assemblies.
Sec. 2104. Urea, polymer with formaldehyde and 2-methylpropanal.
Sec. 2105. Certain clock movements.
Sec. 2106. Certain glass snow globes.
Sec. 2107. Certain acrylic snow globes.
Sec. 2108. Terbacil.
Sec. 2109. Certain ski equipment.
Sec. 2110. Prosulfuron.
Sec. 2111. Manganese flake containing at least 99.5 percent by weight of manganese.
Sec. 2112. N-Benzyl-N-ethylaniline.
Sec. 2113. Dodecyl aniline.
Sec. 2114. Mixtures of Chlorsulfuron and Metsulfuron-methyl and inert ingredients.
Sec. 2115. Paraquat dichloride.
Sec. 2116. *p*-Toluidine.
Sec. 2117. *p*-Nitrotoluene.
Sec. 2118. Acrylic resin solution.
Sec. 2119. Benzenamine, 4 dodecyl.
Sec. 2120. Propylene glycol alginates.
Sec. 2121. Certain alginates.
Sec. 2122. Sodium alginate.
Sec. 2123. Certain fiberglass sheets used to make ceiling tiles.
Sec. 2124. Certain fiberglass sheets used to make flooring substrate.
Sec. 2125. Certain bamboo vases.
Sec. 2126. Certain plastic children's wallets.
Sec. 2127. Certain coupon holders.
Sec. 2128. Certain inflatable swimming pools.
Sec. 2129. Chlorantraniliprole.
Sec. 2130. 2-butyne-1,4-diol, polymer with (chloromethyl)oxirane, brominated, dehydrochlorinated, methoxylated and triethyl phosphate.
Sec. 2131. Daminozide.
Sec. 2132. Dimethyl hydrogen phosphite.
Sec. 2133. Phosphonic acid, maleic anhydride sodium salt complex.
Sec. 2134. Coflake.
Sec. 2135. 3-Amino-1,2-propanediol.
Sec. 2136. Ultraviolet lamps filled with deuterium gas.
Sec. 2137. Pyraflufen-ethyl.
Sec. 2138. Mixture of 2-[4-[(2-hydroxy-3-dodecyloxypropyl)oxy]-2-hydroxphenyl] -4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine and 2-[4-[(2-hydroxy-3-tridecyloxypropyl)oxy]-2-hydroxyphenyl]-4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine in propylene glycol monomethyl ether.
Sec. 2139. Buprofezin.
Sec. 2140. Fenpyroximate.
Sec. 2141. Chloroantraniliprole.
Sec. 2142. Acai, pulp, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit.
Sec. 2143. Certain radiobroadcast band receivers.
Sec. 2144. Certain switchgear and panel boards specifically designed for wind turbine generators.
Sec. 2145. Certain power factor capacitor panels specifically designed for wind turbine generators.
Sec. 2146. Certain isotopic separation cascades.
Sec. 2147. Certain sensors.
Sec. 2148. Certain drive motor battery transducers.
Sec. 2149. Certain electric motor controllers.
Sec. 2150. Certain chargers.
Sec. 2151. Certain lithium-ion battery cells.
Sec. 2152. Mixtures of Imidacloprid with Cyfluthrin or its β-cyfluthrin isomer, including application adjuvants.
Sec. 2153. Fluopyram.
Sec. 2154. Indaziflam.
Sec. 2155. Nitroguanidine.
Sec. 2156. Guanidine nitrate.
Sec. 2157. Certain hydrogenated polymers of norbornene derivatives.
Sec. 2158. Certain plug-in electrothermic appliances.
Sec. 2159. Continuous action, self-contained, refillable, fan-motor driven, battery-operated, portable personal device for mosquito repellents.
Sec. 2160. 4-Chloro-1,8-naphthalic anhydride.
Sec. 2161. Neopentyl glycol (mono) hydroxypivalate.
Sec. 2162. *o*-Toluidine.
Sec. 2163. Blocked polyisocyanate hardener; 2-butanone, oxime, polymer with 1,6-diisocyanatohexane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.
Sec. 2164. Mixtures of barium sulfate and magnesium metal.
Sec. 2165. Poly(melamine-co-formaldelhyde) methylated butylated.
Sec. 2166. Poly(melamine-co-formaldelhyde) methylated isobutylated.
Sec. 2167. Ion exchange resin, tertiary amine crosslinked polystyrene.
Sec. 2168. Ion exchange resin, polystyrene crosslinked with divinylbenzene, quaternary amonium chloride.
Sec. 2169. Ion exhange resin, polystyrene crosslinked with divinylbenzene, chloromethylated, trimethylammonium salt.
Sec. 2170. Ion exchange resin consisting of styrene-divinylbenzene-vinylethylbenzene copolymer, sulfonated, sodium salts.
Sec. 2171. Triethylenediamine.
Sec. 2172. Poly(oxy-1,2-ethanediyl), α-(2-ethylhexyl-ω-hydroxy-, phosphate.
Sec. 2173. Macroporous adsorpent polymer composed of crosslinked phenol-formaldehyde polycondesate resin in granular form having a mean particle size of 0.56 to 0.76 mm.
Sec. 2174. Poly(4-(1-isobutoxyethoxy)styrene-co-4-hydroxystyrene) dissolved in 1-methoxy-2-propanol acetate.
Sec. 2175. Poly[(4-(1-ethoxyethoxy) styrene)/(4-(t-butoxycarbonyloxy) styrene)/(4-hydroxystyrene)].
Sec. 2176. 6-Diazo-5,6-dihydro-5-oxo-naphthalene-1-sulfonic acid ester with 2-[Bis(4-hydroxy-2,3,5-trimethylphenyl)methyl] phenol.
Sec. 2177. Benzoyl chloride.
Sec. 2178. Chlorobenzene.
Sec. 2179. *p*-Dichlorobenzene.
Sec. 2180. Certain steam hair straighteners.
Sec. 2181. Certain ice cream makers.
Sec. 2182. Certain food choppers.
Sec. 2183. Certain programmable dual function coffee makers.
Sec. 2184. Certain electric coffee makers with built-in bean storage hoppers.
Sec. 2185. Sardines, sardinella and bristling or sprats, in oil, in airtight containers, neither skinned nor boned.
Sec. 2186. Certain image projectors designed to soothe or entertain infants.
Sec. 2187. 2-Oxepanone polymer, 1-3-isobenzofuranedione terminated.
Sec. 2188. 2-Oxepanone, polymer with 1,6-hexanediol.
Sec. 2189. ε-Caprolactone polymer with poly(1,4-butylene glycol).

Sec. 2190. Poly(caprolactone) diol.
Sec. 2191. Caprolactone homopolymer.
Sec. 2192. 2,4,6-Tris [(dimethylamino)methyl]phenol.
Sec. 2193. Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-homopolymer, ester with α-hydro-ω-hydroxypoly(oxy-1,2-ethanediyl) ether with 2,2-bis(hydroxymethyl)-1,3-propanediol (4:4:1), 2,2-bis[(2-propenyloxy)methyl]butyl succinates C3-24 carboxylates.
Sec. 2194. 2-Oxepanone, polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol.
Sec. 2195. 2-Oxepanone, polymer with 1,4-butanediol.
Sec. 2196. Dianil.
Sec. 2197. s-Metolachlor.
Sec. 2198. Frames and mountings for spectacles, goggles, or the like, the foregoing of plastics.
Sec. 2199. 1,3-Propanediaminium, N-[3-[[[dimethyl [3-[(2-methyl-1-oxo-2-propenyl)amino] propyl] ammonio] acetyl] amino] propyl]-2-hydroxy-N,N,N′,N′,N′-pentamethyl-, trichloride, polymer with 2-propenamide.
Sec. 2200. 2-Cyclohexylidene-2-phenylacetonitrile.
Sec. 2201. Poly(dicyclopentadiene-co-p-cresol).
Sec. 2202. 2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester dispersant in n-butyl acetate.
Sec. 2203. Amine neutralized phosphated polyester polymer dispersant in aromatic naphtha solvent.
Sec. 2204. Certain plastic laminate sheets.
Sec. 2205. Parts of frames and mountings for spectacles, goggles, or the like.
Sec. 2206. Certain window shade material of paper strips.
Sec. 2207. Certain window shade material of bamboo.
Sec. 2208. Certain windsock-type decoys.
Sec. 2209. Certain windsocks with silhouette heads.
Sec. 2210. Certain implements for cleaning hunted fowl.
Sec. 2211. Alkanes C10-C14.
Sec. 2212. 2-hydroxyethyl-n-octyl sulfide.
Sec. 2213. Certain photomask blanks.
Sec. 2214. Certain earphones.
Sec. 2215. Certain hot feed extruding machines for building truck and automobile tires.
Sec. 2216. Mixtures of tetraki-s(hydroxymethyl)phosphonium chloride - urea polymer and tetraki-s(hydroxymethyl)phosphonium chloride, and formaldehyde.
Sec. 2217. *p*-Fluorobenzaldehyde.
Sec. 2218. Bicyclo[2.2.1]-hept-5-ene-2,3-dicarboxylic anhydride.
Sec. 2219. *o*-Dichlorobenzene.
Sec. 2220. 2,2′-Dithioibisbenzothiazole.
Sec. 2221. Audio interface units for sound mixing, recording, and editing.
Sec. 2222. Certain electric cooktops.
Sec. 2223. Chromate(4-), [7-amino-3-[(3-chloro-2-hydroxy-5-nitrophenyl)azo]-4-hydroxy-2-naphthalenesulfonato(3-)][6-amino-4-hydroxy-3-[(2-hydroxy-5-nitro-3-sulfophenyl)azo]-2-naphthalenesulfonato(4-)]-, tetrasodium.
Sec. 2224. Pigment Orange 62.
Sec. 2225. Mixtures of Flusilazole with xylene and inert application adjuvants.
Sec. 2226. Fluthiacet-methyl.
Sec. 2227. Formulations containing Fluthiacet-methyl.
Sec. 2228. Certain electrodes pastes.
Sec. 2229. Ethyl [4-chloro-2-fluoro-5-[[[[methyl(1-methylethyl)amino] sulfonyl]amino]carbonyl]phenyl] carbamate.
Sec. 2230. Ethyl 3-amino-4,4,4-trifluorocrotonate.
Sec. 2231. Diethyl oxalate.
Sec. 2232. Potassium decafluoro(pentafluoroethyl)cyclohexanesulfonate.
Sec. 2233. Certain dynamic microphones.
Sec. 2234. 2-Propenoic acid, reaction products with o-cresol-epichlorohydrin-formaldehyde polymer and 3a,4,7,7a-tetrahydro-1,3-isobenzofurandione.
Sec. 2235. Formaldehyde, polymer with methylphenol, 2-hydroxy-3-[(1-oxo-2-propenyl)oxy]propyl ether and formaldehyde, polymer with (chloromethyl)oxirane and methylphenol, 4-cyclohexene-1,2-dicarboxylate 2-propenoate.
Sec. 2236. Variable-focal-length (zoom) lenses for digital cameras.
Sec. 2237. Certain umbrellas having an arc greater than 152 cm but not more than 165 cm.
Sec. 2238. 4-Methylbenzenesulfonamide.
Sec. 2239. Mixture of calcium hydroxide, magnesium hydroxide, aluminum silicate, and stearic acid.
Sec. 2240. Certain electrical connectors.
Sec. 2241. Certain tamper resistant ground fault circuit interrupter receptacles.
Sec. 2242. Certain high pressure fuel pumps.
Sec. 2243. Certain hybrid electric vehicle inverters.
Sec. 2244. Certain direct injection fuel injectors.
Sec. 2245. Certain power electronics boxes and static converter composite units.
Sec. 2246. Certain engines to be installed in work trucks.
Sec. 2247. Certain window shade material in rolls.
Sec. 2248. 4,4′-Methylenebis(2-chloroaniline).
Sec. 2249. Methyl chloroacetate.
Sec. 2250. Certain laminated film.
Sec. 2251. Methyl acrylate.
Sec. 2252. Hexanedioic acid, polymer with *N*-(2-aminoethyl)-1,3-propanediamine, aziridine, (chloromethyl)oxirane, 1,2-ethanediamine, *N*,*N*-1,2-ethanediylbis(1,3-propanediamine), formic acid and alpha-hydro-omega-hydroxypoly(oxy-1,2-ethanediyl).
Sec. 2253. *N*-Vinylformamide.
Sec. 2254. Low molecular weight ethylenimine copolymers, 1,2-ethanediamine, polymer with aziridine, whether in aqueous solution or water free grades.
Sec. 2255. Antarctic krill oil.
Sec. 2256. Mixture of 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)-ethan-1-one (and isomers).
Sec. 2257. Effective date.

Subtitle B—Additional Existing Duty Suspensions and Reductions

Sec. 2301. Extension of certain existing duty suspensions and reductions and other modifications.
Sec. 2302. Effective date.

TITLE III—MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND

Sec. 3001. Modification of Wool Apparel Manufacturers Trust Fund.

TITLE IV—LIQUIDATION OR RELIQUIDATION OF CERTAIN LINE ITEMS

Sec. 4001. Reliquidation of certain orange juice entries.
Sec. 4002. Reliquidation of certain entries of industrial nitrocellulose from the United Kingdom.
Sec. 4003. Prohibition on collection of certain payments made under the Continued Dumping and Subsidy Offset Act of 2000.

TITLE V—TECHNICAL CORRECTIONS

Sec. 5001. Technical corrections.
Sec. 5002. Additional technical correction.

DIVISION C—OFFSETS

TITLE I—OFFSETS

Sec. 10001. Customs user fees.
Sec. 10002. Time for payment of corporate estimated taxes.
Sec. 10003. Compliance with PAYGO.

DIVISION A—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE AND CERTAIN TRADE PREFERENCE PROGRAMS

TITLE I—TRADE ADJUSTMENT ASSISTANCE AND HEALTH COVERAGE IMPROVEMENT

Subtitle A—Extension of Trade Adjustment Assistance

SEC. 101. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 1893(a) of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422) is amended by striking ''January 1, 2011'' each place it appears and inserting ''July 1, 2012''.

(b) APPLICATION OF PRIOR LAW.—Section 1893(b) of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422 (19 U.S.C. 2271 note prec.)) is amended to read as follows:

''(b) APPLICATION OF PRIOR LAW.—Chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) shall be applied and administered beginning July 1, 2012, as if the amendments made by this subtitle (other than part VI) had never been enacted, except that in applying and administering such chapters—

''(1) section 245 of that Act shall be applied and administered by substituting 'June 30, 2013' for 'December 31, 2007';

''(2) section 246(b)(1) of that Act shall be applied and administered by substituting 'June 30, 2013' for 'the date that is 5 years' and all that follows through 'State';

''(3) section 256(b) of that Act shall be applied and administered by substituting 'the 1-year period beginning July 1, 2012, and ending June 30, 2013,' for 'each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007,';

''(4) section 298(a) of that Act shall be applied and administered by substituting 'the 1-year period beginning July 1, 2012, and ending June 30, 2013,' for 'each of the fiscal years' and all that follows through 'October 1, 2007'; and

''(5) subject to subsection (a)(2), section 285 of that Act shall be applied and administered—

''(A) in subsection (a), by substituting 'June 30, 2013' for 'December 31, 2007' each place it appears; and

''(B) by applying and administering subsection (b) as if it read as follows:

'' '(b) OTHER ASSISTANCE.—

'' '(1) ASSISTANCE FOR FIRMS.—

'' '(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after June 30, 2013.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before June 30, 2013, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

''(2) FARMERS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2013.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before June 30, 2013, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.'.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended to read as follows:

''(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

''(i) $575,000,000 for fiscal year 2011; and

''(ii) $431,250,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.''.

(2) Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(3) Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(4) Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended—

(A) in the first sentence to read as follows: ''There are authorized to be appropriated to the Secretary to carry out the provisions of this chapter $50,000,000 for fiscal year 2011 and $37,500,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.''; and

(B) in paragraph (1), by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(5) Section 275(f) of the Trade Act of 1974 (19 U.S.C. 2371d(f)) is amended by striking ''2011'' and inserting ''2013''.

(6) Section 276(c)(2) of the Trade Act of 1974 (19 U.S.C. 2371e(c)(2)) is amended to read as follows:

''(2) FUNDS TO BE USED.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available, to provide grants to eligible communities under paragraph (1), not more than—

''(A) $25,000,000 for fiscal year 2011; and

''(B) $18,750,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.''.

(7) Section 277(c) of the Trade Act of 1974 (19 U.S.C. 2371f(c)) is amended—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this subchapter—

''(A) $150,000,000 for fiscal year 2011; and

''(B) $112,500,000 for the 9-month period beginning October 1, 2011 and ending June 30, 2012.''; and

(B) in paragraph (2)(A), by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(8) Section 278(e) of the Trade Act of 1974 (19 U.S.C. 2372(e)) is amended by striking ''2011'' and inserting ''2013''.

(9) Section 279A(h)(2) of the Trade Act of 1974 (19 U.S.C. 2373(h)(2)) is amended by striking ''2011'' and inserting ''2013''.

(10) Section 279B(a) of the Trade Act of 1974 (19 U.S.C. 2373a(a)) is amended to read as follows:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Labor to carry out the Sector Partnership Grant program under section 279A—

''(A) $40,000,000 for fiscal year 2011; and

''(B) $30,000,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012.

''(2) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated pursuant to this section shall remain available until expended.''.

(11) Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended—

(A) by striking ''December 31, 2010'' each place it appears and inserting ''June 30, 2012''; and

(B) in subsection (a)(2)(A), by inserting ''pursuant to petitions filed under section 221 before July 1, 2012'' after ''title''.

(12) Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''$90,000,000 for each of the fiscal years 2009 and 2010, and $22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$67,500,000 for the 9-month period beginning January 1, 2011, and ending September 30, 2011, and $67,500,000 for the 9-month period beginning October 1, 2011, and ending June 30, 2012''.

(13) The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 235 and inserting the following:

''Sec. 235. Employment and case management services.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 102. MERIT STAFFING FOR STATE ADMINISTRATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 618.890(b) of title 20, Code of Federal Regulations, or any other provision of law, the single transition deadline for implementing the merit-based State personnel staffing requirements contained in section 618.890(a) of title 20, Code of Federal Regulations, shall not be earlier than June 30, 2012.

(b) EFFECTIVE DATE.—This section shall take effect on December 14, 2010.

Subtitle B—Health Coverage Improvement

SEC. 111. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(b) CONFORMING AMENDMENT.—Section 7527(b) of such Code is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 112. PAYMENT FOR THE MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF THE ADVANCE PAYMENTS OF CREDIT.

(a) IN GENERAL.—Section 7527(e) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 113. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Section 35(c)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 114. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2)(D) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(b) ERISA AMENDMENT.—Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)) is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(c) PHSA AMENDMENT.—Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014) is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2010.

SEC. 115. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Section 35(g)(9) of the Internal Revenue Code of 1986, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(b) CONFORMING AMENDMENT.—Section 173(f)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(8)) is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2010.

SEC. 116. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) ERISA AMENDMENTS.—

(1) PBGC RECIPIENTS.—Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)) is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(2) TAA-ELIGIBLE INDIVIDUALS.—Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)) is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(b) IRC AMENDMENTS.—

(1) PBGC RECIPIENTS.—Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(2) TAA-ELIGIBLE INDIVIDUALS.—Section 4980B(f)(2)(B)(i)(VI) of such Code is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(c) PHSA AMENDMENTS.—Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)(iv)) is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after December 31, 2010.

SEC. 117. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

(a) IN GENERAL.—Section 35(e)(1)(K) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 118. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Section 7527(d)(2) of the Internal Revenue Code of 1986 is amended by

striking ''January 1, 2011'' and inserting ''July 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after December 31, 2010.

Subtitle C—Other Modifications to Trade Adjustment Assistance

SEC. 121. 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) 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.''.

TITLE II—GENERALIZED SYSTEM OF PREFERENCES AND ANDEAN TRADE PREFERENCES ACT

SEC. 201. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

SEC. 202. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3206(a)(1)) is amended to read as follows:

''(1) remain in effect—

''(A) with respect to Colombia after June 30, 2012; and

''(B) with respect to Peru after December 31, 2010;''.

(b) ECUADOR.—Section 208(a)(2) of the Andean Trade Preference Act (19 U.S.C. 3206(a)(2)) is amended by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(c) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking ''8 succeeding 1-year periods'' and inserting ''9 succeeding 1-year periods''; and

(ii) in subclause (III)(bb), by striking ''and for the succeeding 3-year period'' and inserting ''and for the succeeding 4-year period''; and

(B) in clause (v)(II), by striking ''7 succeeding 1-year periods'' and inserting ''8 succeeding 1-year periods''; and

(2) in subparagraph (E)(ii)(II), by striking ''December 31, 2010'' and inserting ''June 30, 2012''.

(d) ANNUAL REPORT.—Section 203(f)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(f)(1)) is amended by striking ''every 2 years'' and inserting ''annually''.

DIVISION B—TARIFF AND RELATED PROVISIONS

SEC. 1001. REFERENCE.

Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

TITLE I—NEW AND EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Subtitle A—New Duty Suspensions and Reductions

SEC. 1101. CERTAIN PLASMA FLAT PANEL DISPLAYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.01	Plasma flat panel displays (provided for in subheading 8529.90.53)	0.2%	No change	No change	On or before 12/31/2012	''

SEC. 1102. GOLF CLUB DRIVER HEADS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.02	Golf club driver heads (provided for in subheading 9506.39.00)	4.6%	No change	No change	On or before 12/31/2012	''

SEC. 1103. ELECTRONIC DIMMING BALLASTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.03	Electronic dimming ballasts, each having a three-wire control scheme (provided for in subheading 8504.10.00)	Free	No change	No change	On or before 12/31/2012	''

SEC. 1104. NICKEL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.04	Nickel carbonate (CAS No. 3333–67–3 or 12244–51–8) (provided for in subheading 2836.99.50)	Free	No change	No change	On or before 12/31/2012	''

SEC. 1105. COBALT CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.05	Cobalt carbonate (CAS No. 513–79–1 or 7542–09–8) (provided for in subheading 2836.99.10)	Free	No change	No change	On or before 12/31/2012	''

SEC. 1106. TEBUTHIURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.06	1-(5-tert-Butyl-1,3,4-thiadiazol-2-yl)-1,3-dimethylurea (Tebuthiuron) (CAS No. 34014–18–1) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2012	''

SEC. 1107. 2,4-DIAMINO-3- [4-(2-SULFOXYETHYLSULFONYL)- PHENYLAZO]-5- [4-(2-SULFOXYETHYLSULFONYL) -2-SULFOPHENYLAZO] -BENZENESULFONIC ACID POTASSIUM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.07	2,4-Diamino-3- [4-(2-sulfoxyethyl sulfonyl)- phenylazo]-5- [4-(2-sulfoxyethyl sulfonyl) -2-sulfophenylazo]-benzenesulfonic acid potassium sodium salt (CAS No. 187026–95–5) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2012	''

SEC. 1108. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING 85 PERCENT OR MORE BY WEIGHT OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.08	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 3.0 (plus or minus 10 percent) and fiber length of 48 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1109. CAPACITOR GRADE HOMOPOLYMER POLYPROPYLENE RESIN IN PRIMARY FORM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.09	Capacitor grade homopolymer polypropylene resin in primary form (CAS No. 9003–07–0), certified by the importer as intended for use in manufacturing capacitor film and having an ash content less than 50 ppm (provided for in subheading 3902.10.00)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1110. COMPOUND T3028.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.10	(2*R*,3*R*)-3-(3-Methoxyphenyl)-*N*,*N*,2-trimethylpentanamine monohydrobromide (CAS No. 898290–88–5) (provided for in subheading 2922.29.61)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1111. 4-VINYLBENZENESULFONIC ACID, SODIUM SALT HYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.11	4-Vinylbenzenesulfonic acid, sodium salt hydrate (CAS No. 2695–37–6) (provided for in subheading 2904.10.37)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1112. 4-VINYLBENZENESULFONIC ACID, LITHIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.12	4-Vinylbenzenesulfonic acid, lithium salt (CAS No. 4551–88–6) (provided for in subheading 2904.10.32)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1113. CERTAIN CATHODE RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.13	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch of 0.305 mm or more but not exceeding 0.315 mm, a 90-degree deflection, a video display diagonal of 69.5 cm or more and an aspect ratio of 1 to 1 (provided for in subheading 8540.40.00)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1114. BROMACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.14	5-Bromo-3-sec-butyl-6-methyluracil (Bromacil) (CAS No. 314–40–9) (provided for in subheading 2933.59.18)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1115. DIMETHYL 2,3,5,6-TETRACHLORO-1,4-BENZENEDICARBOXYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.15	Dimethyl 2,3,5,6-tetrachloro-1,4-benzenedicarboxylate (CAS No. 1861–32–1) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1116. 1,1,2-2-TETRAFLUOROETHYLENE, OXIDIZED, POLYMERIZED, REDUCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.16	1,1,2-2-Tetrafluoroethylene, oxidized, polymerized, reduced (CAS No. 69991–62–4) (provided for in subheading 3402.90.50)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1117. DIPHOSPHORIC ACID, POLYMERS WITH ETHOXYLATED REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.17	Diphosphoric acid, polymers with ethoxylated reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene (CAS No. 200013–65–6) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1118. 1,2-PROPANEDIOL, 3-(DIETHYLAMINO)-, POLYMERS WITH 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3,-TRIMETHYLCYCLOHEXANE, PROPYLENE GLYCOL AND REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE, 2-ETHYL-1-HEXANOL-BLOCKED, ACETATES (SALTS).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.18	1,2-Propanediol, 3-(diethylamino)-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3,-trimethylcyclohexane, propylene glycol and reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene, 2-ethyl-1-hexanol-blocked, acetates (salts) (CAS No. 328389–90–8) (provided for in subheadings 3809.92.50 and 3907.20.00)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1119. SPIROTETRAMAT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.19	cis-4-(Ethoxycarbonyloxy)-8-methoxy-3-(2,5-xylyl)-1-azaspiro[4.5]dec-3-en-2-one (Spirotetramat) (CAS No. 203313–25–1) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1120. FLUBENDIAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.20	3-Iodo-N′-(2-mesyl-1,1-dimethylethyl)-N-{4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-o-tolyl}phthalamide (Flubendiamide) (CAS No. 272451–65–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1121. 1,3-CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.21	1,3-Cyclohexanedione (CAS No. 504–02–9) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1122. THIENCARBAZONE-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.22	Methyl 4-({[(3-methoxy-4-methyl-5-oxo-4,5-dihydro-1H-1,2,4-triazol-1-yl)carbonyl]amino}sulfonyl)-5-methylthiophene-3-carboxylate(Thiencarbazone-methyl) (CAS No. 317815–83–1) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1123. TEMBOTRIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.23	Mixtures containing 2-{2-chloro-4-mesyl-3- [(2,2,2- trifluoroethoxy) methyl]benzoyl} cyclohexane-1, 3-dione (Tembotrione) (CAS No. 335104–84–2), ethyl 4,5-dihydro-5, 5-diphenyl-1,2-oxazole- 3-carboxylate (Isoxadifen-ethyl) (CAS No. 163520–33–0) and application adjuvants (provided for in subheading 3808.93.15)	2.4%	No change	No change	On or before 12/31/2012	”.

SEC. 1124. 2-(METHYLTHIO)-4-(TRIFLUOROMETHYL) BENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.24	2-(Methylthio)-4-(trifluoromethyl) benzoic acid (CAS No. 142994–05–6) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1125. PRODUCTS CONTAINING 3-MESITYL-2-OXO-1-OXASPIRO[4.4]NON-3-EN-4-YL 3,3-DIMETHYLBUTYRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.25	Products containing 3-mesityl-2-oxo-1-oxaspiro[4.4]non-3-en-4-yl 3,3-dimethylbutyrate (spiromesifen) (CAS No. 283594–90–1) (provided for in subheading 3808.91.25)	4.1%	No change	No change	On or before 12/31/2012	”.

SEC. 1126. MIXTURES CONTAINING PYRASULFOTOLE: 5-HYDROXY-1,3-DIMETHYLPYRAZOL-4-YL 2-MESYL-4-(TRIFLUOROMETHYL)PHENYL KETONE; AND BROMOXYNIL OCTANOATE: 2,4-DIBROMO-6-CYANOPHENYL OCTANOATE; AND BROMOXYNIL HEPTANOATE: 2,4-DIBROMO-6-CYANOPHENYL HEPTANOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.26	Mixtures containing (5-hydroxy-1,3-dimethylpyrazol-4-yl)(α,α,α-trifluoro-2-mesyl-p-tolyl)methanone (Pyrasulfotole) (CAS No. 365400–11–9); 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil Octanoate) (CAS No. 1689–99–2) and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil Heptanoate) (CAS No. 56634–95–8) (provided for in subheading 3808.93.15)	3.9%	No change	No change	On or before 12/31/2012	”.

SEC. 1127. CYPROSULFAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.27	N-[4-(cyclopropylcarbamoyl)phenylsulfonyl]-2-methoxybenzamide (Cyprosulfamide) (CAS No. 221667–31–8) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1128. MIXTURES OF N-[2-(2-OXOIMIDAZOLIDINE-1-YL)ETHYL]-2-METHYLACRYLAMIDE, METHACRYLIC ACID, AMINOETHYL ETHYLENE UREA AND HYDROQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.28	Mixtures of N-[2-(2-oxoimidazolidine-1-yl)ethyl]-2-methylacrylamide (CAS No. 3089–19–8), methacrylic acid (CAS No. 79–41–4), aminoethyl ethylene urea (CAS No. 6281–42–1) and hydroquinone (CAS No. 123–31–9) (provided for in subheading 3824.90.92)	3.4%	No change	No change	On or before 12/31/2012	”.

SEC. 1129. QUINALDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.29	2-Methylquinoline (CAS No. 91–63–4) (provided for in subheading 2933.49.70)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1130. 4,4′-BUTYLIDENEBIS[2-(1,1-DIMETHYLETHYL)-5-METHYLPHENOL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.30	4,4′-Butylidenebis[2-(1,1-dimethylethyl)-5-methylphenol] (CAS No. 85–60–9) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1131. 2,2′-METHYLENEBIS[6-(1,1-DIMETHYLETHYL)-4-PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.31	2,2′-Methylenebis[6-(1,1-dimethylethyl)-4-phenol (CAS No. 119–47–1) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1132. BASIC RED 51.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.32	Basic Red 51 (CAS No. 12270–25–6) (provided for in subheading 3204.13.80)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1133. 2-AMINOTOLUENE-5-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.33	2-Aminotoluene-5-sulfonic acid (CAS No. 98–33–9) (provided for in subheading 2921.43.90)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1134. SOLVENT VIOLET 13.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.34	Solvent Violet 13 (CAS No. 81–48–1) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1135. SOLVENT VIOLET 11.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.35	Solvent Violet 11 (CAS No. 128–95–0) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1136. DISPERSE BLUE 359.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.36	Disperse blue 359 (CAS No. 62570–50–7) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1137. DISPERSE YELLOW 241.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.37	Disperse Yellow 241 (CAS No. 83249–52–9) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1138. DIMYRISTYL PEROXYDICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.38	Dimyristyl peroxydicarbonate (CAS No. 53220–22–7) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1139. DICETYL PEROXYDICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.39	Dicetyl peroxydicarbonate (CAS No. 26332–14–5) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1140. VARIABLE SPEED HUBS (EXCEPT 2- AND 3-SPEED).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.40	Variable speed hubs (except 2- and 3-speed) (provided for in subheading 8714.93.28)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1141. 1,4-BENZENEDISULFONIC ACID, 2,2′-[(1-METHYL-1,2-ETHANEDIYL)BIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL)IMINO(1-HYDROXY-3-SULFO-6,2-NAPHTHALENEDIYL)AZO]]BIS[5-METHOXY-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.41	1,4-Benzenedisulfonic acid, 2,2′-[(1-methyl-1,2-ethanediyl)bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino(1-hydroxy-3-sulfo-6,2-naphthalenediyl)azo]]bis[5-methoxy-, sodium salt (CAS No. 155522–07–9) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1142. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[[2-[[4-CHLORO-6-[[7-[[4-(ETHENYLSULFONYL)PHENYL]AZO]-8-HYDROXY-3,6-DISULFO-1-NAPHTHALENYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]ETHYL](2-HYDROXYETHYL)AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-3-[[4-(ETHENYLSULFONYL)PHENYL]AZO]-4-HYDROXY-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.41.42	2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-chloro-6-[[7-[[4-(ethenylsulfonyl)phenyl]azo]-8-hydroxy-3,6-disulfo-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]ethyl](2-hydroxyethyl)amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydroxy-, sodium salt (CAS No. 171599–85–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 1143. S-METHOPRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.43	Isopropyl (2E,4E,7S)-11-methoxy-3,7,11-trimethyldodeca-2,4-dienoate (S-Methoprene) (CAS No. 65733–16–6) (provided for in subheading 2918.99.50)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1144. S-ABSCISIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.44	[S-(Z,E)]-5-(1-Hydroxy-2,6,6-trimethyl-4-oxo-2-cyclohexen-1-yl)-3-methyl-2,4-pentanedienoic acid (S-abscisic acid) (CAS No. 14375–45–2) (provided for in subheading 2918.99.50)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1145. 1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.45	1H-[1,2,4]-Triazole (CAS No. 288–88–0) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1146. FLUOPICOLIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.46	2,6-Dichloro-N-[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl]benzamide (Fluopicolide) (CAS No. 239110–15–7) (provided for in subheading 2933.39.21)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1147. FENHEXAMID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.47	2′,3′-Dichloro-4′-hydroxy-1-methylcyclohexanecarboxanilide (Fenhexamid) (CAS No. 126833–17–8) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1148. BELT & SYNAPSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.48	Mixtures containing 3-iodo-N′-(2-mesyl-1,1-dimethylethyl)-N-{4-[1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethyl]-o-tolyl}phthalamide (Flubendiamide) (CAS No. 272451–65–7) and application adjuvants (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1149. ACETOACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.49	Acetoacetamide (CAS No. 5977–14–0) (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1150. SQUARIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.50	3,4-Dihydroxy-3-cyclobutene-1,2-dione (squaric acid) (CAS No. 2892–51–5) (provided for in subheading 2914.40.90)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1151. CHLORODIMETHYLACETOACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.51	Chlorodimethylacetoacetamide (CAS No. 5810–11–7) (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1152. CERTAIN MIXTURES OF N,N′-DIMETHYLACETOACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.52	Mixtures of N,N′-dimethylacetoacetamide (CAS No. 2044–64–6) with an additive that stabilizes color and diluted in water with a calculated assay of not less than 78 percent and not more than 84 percent (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1153. LAMBDA-CYHALOTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.53	1 alpha(S*), 3 alpha(Z)-(+)-cyano(3-phenoxphenyl)methyl 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimenthylcylcopropanecarboxylate (Lambda-cyhalothrin) (CAS No. 91465–08–6) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1154. MONDUR M FLAKED.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.54	Methylene di-p-phenylene isocyanate (Mondur M Flaked) (CAS No. 101–68–8) (provided for in subheading 2929.10.80)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1155. CERTAIN ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.55	Acrylic fiber tow containing a minimum of 85 percent by weight of acrylonitrile units and a minimum of 35 percent water, imported in the form of raw white (undyed) filament, with an average filament measure of between 2 and 5 decitex, and length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1156. SINGLE LIGHT OPTICAL SENSOR, STAINLESS STEEL CASING, 0.5 METER-LONG, 2.2 MILLIMETER DIAMETER CABLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.56	Single light optical sensor, stainless steel casing, 0.5 meter-long, 2.2 millimeter diameter cable. MANSKE Part Number 45004 (provided for in subheading 9001.10.00)	5.9%	No change	No change	On or before 12/31/2012	”.

SEC. 1157. A5546 SULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.57	Methyl 3-(aminosulfonyl)-2-thiophenecarboxylate (CAS No. 59337–93–8) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1158. HEXANEDIOIC ACID, POLYMER WITH 1,2-ETHANEDIOL, 2-ETHYL-2-(HYDROXYMETHYL)-1,3-PROPANEDIOL AND 1,3-ISOBENZOFURANDIONE, 2-PROPENOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.58	Hexanedioic acid, polymer with 1,2-ethanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and 1,3-isobenzofurandione, 2-propenoate (CAS No. 77107–23–4) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1159. CERTAIN HOT FEED EXTRUDING MACHINES CERTIFIED BY THE IMPORTER AS BEING USED IN THE PRODUCTION OF TRUCK AND AUTOMOBILE TIRES, SUCH MACHINES CAPABLE OF EXTRUDING RUBBER MATERIALS MEASURING 870 MM OR MORE BUT NOT OVER 1200 MM IN WIDTH, AND PARTS THEREOF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.59	Hot feed extruding machines certified by the importer as being used in the production of truck and automobile tires, such machines capable of extruding rubber materials measuring 870 mm or more but not over 1200 mm in width, and parts thereof (provided for in subheading 8477.20.00, 8477.90.25, 8477.90.45, or 8477.90.85)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1160. 7-HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.60	2,3-Dihydro-2,2-dimethyl-7-hydroxybenzofuran (Carbofuran phenol) (CAS No. 1563–38–8) (provided for in subheading 2932.99.70)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1161. DIMETHOMORPH.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.61	4-[3-(4-Chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine (Dimethomorph)(CAS No. 110488–70–5) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1162. CERTAIN ENGINES FOR SNOWMOBILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.62	Spark-ignition reciprocating or rotary internal combustion piston engines more than 900 cc and less than 1100 cc to be installed in snowmobiles (provided for in subheading 8407.34.18)	0.1%	No change	No change	On or before 12/31/2012	”.

SEC. 1163. MIXTURES OF POLYVINYL ALCOHOL AND POLYVINYL PYRROLIDONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.63	Aqueous mixtures of polyvinyl alcohol (CAS No. 98002–48–3) and polyvinylpyrrolidone (CAS No. 9003–39–8) (provided for in subheading 3905.99.80)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1164. ZINC DIETHYLPHOSPHINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.64	Zinc diethylphosphinate (CAS No. 284685–45–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1165. VAT ORANGE 7.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.65	Bisbenzimidazo [2,1-b:2’,1’ i] benzo[lmn][3,8] phenantoline-8,17-dione (VAT Orange 7) (CAS No. 4424–06–0) (provided for in subheading 3204.15.20)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1166. 1-NITROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.41.66	1-Nitro-9,10-anthracenedione (CAS No. 82–34–8) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 1167. LEUCOQUINIZARIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.67	1,4,9,10-Tetrahydroxyanthracene (Leucoquinizarin) (CAS No. 476–60–8) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1168. 2,2′-(2-METHYLPROPYLIDENE) BIS(4,6-DIMETHYLPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.68	2,2′-Isobutylidenebis(4,6-dimethylphenol) (CAS No. 33145–10–7) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1169. 2,5-BIS(1,1-DIMETHYLPROPYL)-1,4-BENZENEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.69	2,5-Di-*tert*-amylhydroquinone (CAS No. 79–74–3) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1170. 4,4′-THIOBIS[2-(1,1-DI-METHYLETHYL)-5-METHYL-PHENOL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.70	4,4′-Thiobis(6-*tert*-butyl-m-cresol) (CAS No. 96–69–5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1171. BENZENEACETIC ACID, α-AMINO-4-CHLORO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.71	DL-2-(4-Chlorophenyl)glycine (CAS No. 6212–33–5) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1172. 1-AMINO-2,6-DIMETHYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.72	1-Amino-2,6-dimethylbenzene (2,6-xylidine) (CAS No. 87–62–7) (provided for in subheading 2921.49.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1173. P-AMINOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.73	p-Aminobenzoic acid (CAS No. 150–13–0) (provided for in subheading 2922.49.10)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1174. 2-AMINO-3-CYANOTHIOPHENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.74	2-Amino-3-cyanothiophene (CAS No. 4651–82–5) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1175. NESOI HUBS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.75	Bicycle hubs, not elsewhere specified or included (provided for in subheading 8714.93.35)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1176. POLYETHYLENE GLYCOL BRANCHED-NONYLPHENYL ETHER PHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.76	Polyethylene glycol branched-nonylphenyl ether phosphate (Nonylphenol ethoxylate) (CAS No. 68412–53–3) (provided for in subheading 3402.11.40)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1177. BISMUTH SUBSALICYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.77	Bismuth subsalicylate (2-hydroxy-4H-1,3,2-benzodioxabismin-4-one) (CAS No. 14882–18–9) (provided for in subheading 2918.21.10)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1178. 5-ETHYL-2-METHYLPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.78	2-Methyl-5-ethylpyridine (CAS No. 104–90–5) (provided for in subheading 2933.39.20)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1179. POLYPHENOLCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.79	Phenol, polymer with 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene, cyanate (CAS No. 119505–06–5) (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1180. CHEMICAL THAT IS USED FOR DYEING APPAREL HOME TEXTILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.80	Acid Yellow 151 (Bis[2-[[5-(aminosulfonyl)-2-hydroxyphenyl]azo]-3-oxo-N-phenylbutyramidato(2-)] cobaltate(1-) sodium; 3-Hydroxy-2-(2-hydroxy-5-sulfamoylphenylazo)isocrotonanilide cobalt(III) chelates sodium salt) (CAS No. 72496–88–9) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1181. HEXANE, 1,6-DICHLORO-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.81	1,6-Dichlorohexane (CAS No. 2163–00–0) (provided for in subheading 2903.19.60)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1182. PROPANEDIOIC ACID, DIETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.82	Diethyl malonate (CAS No. 105–53–3) (provided for in subheading 2917.19.70)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1183. BUTANE, 1-CHLORO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.83	n-Butyl chloride (CAS No. 109–69–3) (provided for in subheading 2903.19.60)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1184. MIXTURES CONTAINING METHYL 2-[(4,6-DIMETHOXYPYRIMIDIN-2-YLCARBAMOYL)SULFAMOYL]-α-(METHANESULFONAMIDO)-P-TOLUATE (MESOSULFURON-METHYL) AND METHYL 4-IODO-2-[3-(4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)UREIDOSULFONYL]BENZOATE, SODIUM SALT (IODOSULFURON METHYL, SODIUM SALT), WHETHER OR NOT MIXED WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.84	Mixtures containing methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-α-(methanesulfonamido)-p-toluate (Mesosulfuron-methyl) (CAS No. 208465–21–8) and methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl]benzoate, sodium salt (Iodosulfuron methyl, sodium salt), whether or not mixed with application adjuvants (CAS No. 144550–36–7) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1185. MIXTURES CONTAINING [3-[(6-CHLORO-3-PRIDINYL)METHYL]-2-THIAZOLIDINYLIDENE]CYANAMIDE.

Subchapter II of chapter 99 is amended—

(1) by striking heading 9902.10.35; and

(2) by inserting in numerical sequence the following new heading:

"	9902.41.85	Mixtures of (Z)-3-(6-chloro-3-pyridylmethyl)-1,3-thiazolidin-2-ylidenecyanamide (Thiacloprid) (CAS No. 111988–49–9) and application adjuvants (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1186. MIXTURES CONTAINING (E)-1-[(6-CHLORO-3-PYRIDINYL)METHYL]-N-NITRO-2-IMIDAZOLIDINIMINE (IMIDACLOPRID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.86	Mixtures containing -1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine (Imidacloprid) (CAS No. 138261–41–3) and (9Z)-9-tricosene (Muscalure) (CAS No. 27519–02–4) (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1187. MIXTURES CONTAINING METHYL 4-[(4,5-DIHYDRO-3-METHOXY-4-METHYL-5-OXO-1H-1,2,4-TRIAZOL-1-YL)CARBONYLSULFAMOYL]-5-METHYLTHIOPHENE-3-CARBOXYLATE (THIENCARBAZONE-METHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.87	Mixtures containing methyl 4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carbonylsulfamoyl]-5-methylthiophene-3-carboxylate (Thiencarbazone-methyl) (CAS No. 317815–83–1), ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl) (CAS No. 163520-33-0) and (5-cyclopropyl-1,2-oxazol-4-yl)(α,α,α-trifluoro-2-mesyl-p-tolyl)methanone (Isoxaflutole) (CAS No. 141112–29–0) (provided for in subheading 3808.93.15)	2.3%	No change	No change	On or before 12/31/2012	".

SEC. 1188. 2-AMINO-5-CHLORO-N,3-DIMETHYLBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.88	2-Amino-5-chloro-N,3-dimethylbenzamide (CAS No. 890707–28–5) (provided for in subheading 2924.29.76).	Free	No change	No change	On or before 12/31/2012	".

SEC. 1189. [3-(4,5-DIHYDRO-ISOXAZOL-3-YL)-4-METHYLSULFONYL-2-METHYLPHENYL](5-HYDROXY-1-METHYL-1H-PYRAZOL-4-YL) METHANONE (TOPRAMEZONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.89	[3-(4,5-Dihydro-isoxazol-3-yl)-4-methylsulfonyl-2-methylphenyl](5-hydroxy-1-methyl-1H-pyrazol-4-yl)methanone (Topramezone) (CAS No. 210631–68–8) (provided for in subheading 2934.99.15)	2.4%	No change	No change	On or before 12/31/2012	".

SEC. 1190. PRODUCTS CONTAINING (E)-1-(2-CHLORO-1,3-THIAZOL-5-YLMETHYL)-3-METHYL-2-NITROGUANIDINE (CLOTHIANIDIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.41.90	Products containing (E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine (Clothianidin) (CAS No. 210880–92–5) (provided for in subheading 3808.91.50)	4.5%	No change	No change	On or before 12/31/2012	".

SEC. 1191. TETRAKIS(HYDROXYMETHYL) PHOSPHONIUM SULFATE (THPS).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.91	Tetrakis(hydroxymethyl) phosphonium sulfate (THPS) (CAS No. 55566–30–8) (provided for in subheading 2931.00.90)	2.4%	No change	No change	On or before 12/31/2012	''.

SEC. 1192. 1,1′-(1-METHYLETHYLIDENE)BIS(3,5-DIBROMO-4-(2,3-DIBROMOPROPOXY)BENZENE (TETRABROMOBISPHENOL A BIS(2,3-DIBROMOPROPYL ETHER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.92	1,1′-(1-Methylethylidene)bis(3,5-dibromo-4-(2,3-dibromopropoxy)benzene (Tetrabromobisphenol A bis(2,3-dibromopropyl ether) (CAS No. 21850–44–2) (provided for in subheading 2909.50.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1193. BELLS DESIGNED FOR USE ON BICYCLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.93	Bells designed for use on bicycles (provided for in subheading 8714.99.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1194. BLUE 171 (COBALTATE(2-), [6-(AMINO-κN)-5-[[2-(HYDROXY-κO)-4-NITROPHENYL]AZO-κN1}-NMETHYL-2-NAPHTHALENESULFONAMIDATO(2-)][6-(AMINO-κN)-5-[[2-(HYDROXY-κO)-4-NITROPHENYL]AZO-κN1]-2-NAPHTHALENESULFONATO(3-)]-, DISODIUM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.94	Acid g1,t1,blue 171 (Cobaltate(2-), [6-(amino-κN)-5-[[2-(hydroxy-κO)-4-nitrophenyl]azo-κN1}-Nmethyl-2-naphthalenesulfonamidato(2-)][6-(amino-κN)-5-[[2-(hydroxy-κO)-4-nitrophenyl]azo-κN1]-2-naphthalenesulfonato(3-)]-, disodium) (CAS No. 75314–27–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1195. TETRAPOTASSIUM HEXA(CYANO-C) COBALTATE(4-).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.95	Tetrapotassium hexa(cyano-C)cobaltate(4-) (CAS No. 14564–70–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1196. TRIALLYL CYANURATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.96	Triallyl cyanurate (CAS No. 101–37–1) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1197. CERTAIN CHRISTMAS-TREE FILAMENT LAMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.97	Christmas-tree filament lamps of a power not exceeding 200 W and for a voltage exceeding 100 V (provided for in subheading 8539.22.40)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1198. CERTAIN CHRISTMAS-TREE FILAMENT LAMPS DESIGNED FOR A VOLTAGE NOT EXCEEDING 100 V.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.98	Christmas-tree filament lamps designed for a voltage not exceeding 100 V (provided for in subheading 8539.29.10)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1199. MIXTURES CONTAINING (5-CYCLOPROPYL-1,2-OXAZOL-4-YL)(α,α,α-TRIFLUORO-2-MESYL-P-TOLYL)METHANONE (ISOXAFLUTOLE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.41.99	Mixtures containing (5-cyclopropyl-1,2-oxazol-4-yl)(α,α,α-trifluoro-2-mesyl-p-tolyl)methanone (Isoxaflutole) (CAS No. 141112–29–0) and application adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1200. N,N-DIMETHYLACETOACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.42.01	N,N-Dimethylacetoacetamide (CAS No. 2044–64–6) diluted in water with a calculated assay of not less than 93 percent and not more than 99 percent (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1201. CERTAIN MIXTURES OF N,N-DIMETHYLACETOACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.42.02	Mixtures of N,N-dimethylacetoacetamide (CAS No. 2044–64–6) with an additive that stabilizes color and diluted in water with a calculated assay of not less than 93 percent and not more than 99 percent (provided for in subheading 2924.19.11)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1202. CHEMICAL USED IN THE PRODUCTION OF TEXTILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.42.03	Reactive blue 268 (6,13-Dichlor-3,10-bis {2-[4-fluoro-6-(2-sulfophenylamino) -1,3,5-triazin-2-ylamino] propylamino}benzo [5,6][1,4]oxazino[2,3-.b] phenoxazin-4,11- disulfonic acid, lithium, sodium salt) (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1203. CHEMICAL THAT IS USED FOR DYEING CERTAIN HOME TEXTILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.42.04	Reactive blue 269 (3,10-Bis[(2-aminopropyl)amino] -6,13-dichloro-4,11-triphenodioxazinedisulfonic acid reaction products with 2-amino- 1,4-benzenedisulfonic acid, 2-[(4-aminophenyl) sulfonyl]ethyl hydrogen sulfate and 2,4,6-trifluoro-1,3,5-trifluoro-1,3,5-triazine, sodium salts) (CAS No. 191877–09–5) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1204. REACTIVE RED 228.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.42.05	Reactive Red 228 (2,7-Naphthalenedisulfonic acid, 5-((4-chloro-6-((2-(2-(ethenylsulfonyl) ethoxy)ethyl) amino)-1,3,5-triazin-2-yl)amino)-3-((4-(ethenylsulfonyl)phenyl) azo)-4-hydroxy-, potassium sodium salt) (CAS No. 101200–49–1) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1205. PARAQUAT TECHNICAL + EMETIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.42.06	Mixtures of 1,1′-dimethyl-4,4′-bipyridinium dichloride (Paraquat Technical) (CAS No. 1910–42–5) and 2-amino-4, 5-dihydro-6-methyl- 4-propyl-s-triazole-[1,5-a] pyrimidin-5-one (Emetic PP796) (CAS No. 27277–00–5) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1206. TEMBOTRIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.42.07	2-{2-Chloro-4-mesyl-3-[(2,2,2-trifluoroethoxy)methyl] benzoyl}cyclohexane-1,3-dione (Tembotrione) (CAS No. 335104–84–2) (provided for in subheading 2930.90.10)	3%	No change	No change	On or before 12/31/2012	".

SEC. 1207. CERTAIN PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.42.08	Trisubstituted oxazolidinone (CAS No. 860399–11–7) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2012	
	9902.42.09	Trisubstituted oxazolidinone (CAS No. 854602–01–0) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2012	
	9902.42.10	Naphtho[1,2-d]thiazolium, 2-[[5-chloro-3-(3-sulfopropyl)-2(3H)-benzothiazolylidene]methyl]-1-(3-sulfopropyl)-, inner salt, compd. with N,N-diethylethanamine (1:1) (CAS No. 102731–88–4) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2012	
	9902.42.11	Benzothiazolium, 2-[[3-[(3,6-dimethyl-2(3H)-benzothiazolylidene)methyl]-5-phenyl-2-cyclohexen-1-ylidene]methyl]-3,6-dimethyl-, salt with 4-ethylbenzenesulfonic acid (1:1) (CAS No. 160911–24–0) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2012	
	9902.42.12	Benzoxazolium, 5-chloro-2-[2-[[5-phenyl-3-(2-sulfoethyl)-2(3H)-benzoxazolylidene] methyl]-1-butenyl]-3-(3-sulfopropyl)-, inner salt, compound with N,N-diethylethanamine (1:1) (CAS No. 106518–55–2) (provided for in subheading 2934.99.20)	Free	No change	No change	On or before 12/31/2012	
	9902.42.13	Copoly[N-(4-sulfamoylphenyl) methacrylamide/ methylmethacrylate/acrylonitrile (CAS No. 141634–00–6) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2012	
	9902.42.14	3-Pyrazolidinone, 4-hexadecyl-1-phenyl (CAS No. 202483–63–4) (provided for in subheading 2933.19.37)	Free	No change	No change	On or before 12/31/2012	
	9902.42.15	Poly[(ally 2-methyl-2-propenoate)-co-(cyclohexyl2-hydroxymethyl-2-propenoate)-co-(2-propenoic acid)] (CAS No. 860399–10–6) (provided for in subheading 3208.90.50)	Free	No change	No change	On or before 12/31/2012	".

SEC. 1208. FERRONIOBIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.42.16	Ferroniobium (provided for in subheading 7202.93.80)	4.6%	No change	No change	On or before 12/31/2012	".

SEC. 1209. EFFECTIVE DATE.

The amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Subtitle B—Extension of Existing Duty Suspension

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSION.

Heading 9902.29.22 (relating to 2-(2′-Hydroxy-5′-methacrylyloxyethylphenyl)-2*H*-benzotriazole)) is amended by striking "12/31/2006" and inserting "12/31/2012".

SEC. 1302. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by this subtitle applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICABILITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to

paragraph (2), the entry of a good described in heading 9902.29.22 of the Harmonized Tariff Schedule of the United States (as amended by this subtitle)—

(A) which was made on or after January 1, 2010, and before the 15th day after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a reduced duty (as the case may be) if the amendment or amendments made by this subtitle applied to such entry, shall be liquidated or reliquidated as though the entry had been made on the 15th day after the date of the enactment of this Act.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a good under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(4) DEFINITION.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

TITLE II—ADDITIONAL TARIFF PROVISIONS

Subtitle A—Additional New Duty Suspensions and Reductions

SEC. 2101. FENARIMOL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.01	(RS)-2,4′-Dichloro-*a*-(pyrimidin-5-yl) benzhydryl alcohol (Fenarimol technical) (CAS No. 60168–88–9) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2102. PHOSMET TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.02	*O*,*O*-Dimethyl S-phthalimidomethyl phosphorodithioate (Phosmet technical) (CAS No. 732–11–6) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2103. CHIME MELODY ROD ASSEMBLIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.03	Chime melody rod assemblies (provided for in subheading 9114.90.50) for the production of grandfather clocks, wall clocks, and mantel clocks	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2104. UREA, POLYMER WITH FORMALDEHYDE AND 2-METHYLPROPANAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.04	Urea, polymer with formaldehyde and 2-methylpropanal (CAS No. 28931–47–7) (provided for in subheading 3909.10.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2105. CERTAIN CLOCK MOVEMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.05	Mechanical clock movements (provided for in subheading 9109.90.60) for the production of grandfather clocks, wall clocks, and mantel clocks	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2106. CERTAIN GLASS SNOW GLOBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.06	Glass snow globes, valued over $0.30 but not over $3 each, the foregoing not constituting festive articles (provided for in subheading 7013.99.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2107. CERTAIN ACRYLIC SNOW GLOBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.07	Acrylic snow globes, the foregoing not constituting festive articles (provided for in subheading 3926.40.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2108. TERBACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.08	3-*tert*-Butyl-5-chloro-6- methyluracil (Terbacil) (CAS No. 5902–51–2) (provided for in subheading 2933.59.18)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2109. CERTAIN SKI EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.09	Ski poles and parts and accessories thereof (provided for in subheading 9506.19.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2110. PROSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.10	1-(4-Methoxy-6-methyl-1,3,5-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl) phenylsulfonyl]urea (Prosulfuron) (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2111. MANGANESE FLAKE CONTAINING AT LEAST 99.5 PERCENT BY WEIGHT OF MANGANESE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.11	Manganese flake containing at least 99.5 percent by weight of manganese (provided for in subheading 8111.00.47)	12.3%	No change	No change	On or before 12/31/2012	''.

SEC. 2112. N-BENZYL-N-ETHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.12	N-Benzyl-N-ethylaniline (CAS No. 92–59–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2113. DODECYL ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.13	Dodecyl aniline (CAS No. 68411–48–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2114. MIXTURES OF CHLORSULFURON AND METSULFURON-METHYL AND INERT INGREDIENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.14	Mixtures of 1-(2-chlorophenylsulfonyl)-3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)urea (Chlorsulfuron) (CAS No. 64902–72–3) and methyl 2-(4-methoxy-6-methyl-1,3,5-triazin-2-ylcarbamoylsulfamoyl)benzoate (Metsulfuron-methyl) (CAS No. 74223–64–6) and inert ingredients (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2115. PARAQUAT DICHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.15	Mixtures of 1,1′-dimethyl-4,4′-bipyridinium dichloride (Paraquat dichloride) (CAS No. 1910–42–5) and inerts (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2116. *P*-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.16	*p*-Toluidine (CAS No. 106–49–0) (provided for in subheading 2921.43.40)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2117. *P*-NITROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.17	*p*-Nitrotoluene (CAS No. 99–99–0) (provided for in subheading 2904.20.10)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2118. ACRYLIC RESIN SOLUTION.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.18	Acrylic resin solution, β-hydroxyethyl acrylate, acrylic acid, styrene, 2-ethylhexyl acrylate, butyl methacrylate polymer (CAS No. 63076–05–1) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2119. BENZENAMINE, 4 DODECYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.19	Benzenamine, 4 dodecyl (CAS No. 104–42–7) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2120. PROPYLENE GLYCOL ALGINATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.20	Propylene glycol alginates (CAS No. 9005–37–2) (provided for in subheading 3913.10.00)	0.1%	No change	No change	On or before 12/31/2012	''.

SEC. 2121. CERTAIN ALGINATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.21	Alginic acid (CAS No. 9005–32–7), ammonium alignate (CAS No. 9005–34–9), potassium alginate (CAS No. 9005–36–1), calcium alginate (CAS No. 9005–35–0), and magnesium alginate (CAS No. 37251–44–8) (provided for in subheading 3913.10.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2122. SODIUM ALGINATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.22	Sodium alginate (CAS No. 9005–38–3) (provided for in subheading 3913.10.00)	2.2%	No change	No change	On or before 12/31/2012	''.

SEC. 2123. CERTAIN FIBERGLASS SHEETS USED TO MAKE CEILING TILES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.23	Nonwoven fiberglass sheets, approximately 0.4 mm to 0.8 mm in thickness and with smooth surfaces, containing a blend of 8 micron and 10 micron glass fibers bound in an acrylic latex binder that is cross-linked with a melamine-formaldehyde resin, the foregoing of a kind primarily used as acoustical facing for ceiling panels (provided for in subheading 7019.32.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2124. CERTAIN FIBERGLASS SHEETS USED TO MAKE FLOORING SUBSTRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.24	Nonwoven fiberglass sheets, approximately 0.3 mm to 0.8 mm in thickness and with smooth surfaces, containing a blend of 8 micron to 10 micron glass fibers bound in a urea formaldehyde matrix modified with vinyl acetate and acrylic latex, the foregoing of a kind primarily used as vinyl flooring substrate (provided for in subheading 7019.32.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2125. CERTAIN BAMBOO VASES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.25	Vases of bamboo strips bonded together with glue, the foregoing which have been shaped or molded, sanded and varnished (provided for in subheading 4602.11.09)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2126. CERTAIN PLASTIC CHILDREN'S WALLETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.26	Children's wallets with outer surface of sheeting of reinforced or laminated plastics, valued not over $1.00 each, the foregoing with dimensions not exceeding 26 cm by 11.5 cm and with artwork or graphics using cartoon characters or other children's motifs (provided for in subheading 4202.32.10)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2127. CERTAIN COUPON HOLDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.27	Divided pouches of plastic sheeting, each with a flap closure secured by a snap, magnet or elastic band and hook, the foregoing not exceeding 203.2 mm in height, width or depth and of a type designed for organizing coupons or other printed matter (provided for in subheading 4202.32.20)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2128. CERTAIN INFLATABLE SWIMMING POOLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.28	Inflatable swimming pools of polyvinyl chloride, not exceeding 1.651 m in diameter or width (provided for in subheading 9506.99.55)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2129. CHLORANTRANILIPROLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.29	3-Bromo-4′-chloro-1-(3-chloro-2-pyridyl)-2′-methyl-6′-(methylcarbamoyl)pyrazole-5-carboxanilide (Chlorantraniliprole) (CAS No. 500008–45–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2130. 2-BUTYNE-1,4-DIOL, POLYMER WITH (CHLOROMETHYL)OXIRANE, BROMINATED, DEHYDROCHLORINATED, METHOXYLATED AND TRIETHYL PHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.30	2-Butyne-1,4-diol, polymer with (chloromethyl)oxirane, brominated, dehydrochlorinated, methoxylated (CAS No. 68441–62–3) and triethyl phosphate (CAS No. 78–40–0) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2131. DAMINOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.31	N-(Dimethylamino) succinamic acid (Daminozide) (CAS No. 1596–84–5) (provided for in subheading 2928.00.50)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2132. DIMETHYL HYDROGEN PHOSPHITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.32	Dimethyl hydrogen phosphite (CAS No. 868–85–9) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2133. PHOSPHONIC ACID, MALEIC ANHYDRIDE SODIUM SALT COMPLEX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.33	Phosphonic acid, maleic anhydride sodium salt complex (CAS No. 180513–31–9) (provided for in subheading 3824.90.92)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2134. COFLAKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.34	Mixtures of polyethylene glycol (CAS No. 25322–68–3), (acetato)pentammine cobalt dinitrate (CAS No. 14854–63–8), and zinc carbonate (CAS No. 3486–35–9) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2135. 3-AMINO-1,2-PROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.35	3-Amino-1,2-propanediol (CAS No. 616–30–8) (provided for in subheading 2922.19.95)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2136. ULTRAVIOLET LAMPS FILLED WITH DEUTERIUM GAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.36	Ultraviolet lamps filled with deuterium gas (provided for in subheading 8539.49.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2137. PYRAFLUFEN-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.37	Ethyl 2-chloro-5-(4-chloro-5-difluoromethoxy-1-methyl-1H-pyrazol-3-yl)-4-fluorophenoxyacetate (Pyraflufen-ethyl) (CAS No. 129630–19–9) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2138. MIXTURE OF 2-[4-[(2-HYDROXY-3-DODECYLOXYPROPYL)OXY]-2-HYDROXPHENYL] -4,6-BIS(2,4-DIMETHYLPHENYL)-1,3,5-TRIAZINE AND 2-[4-[(2-HYDROXY-3-TRIDECYLOXYPROPYL)OXY]-2-HYDROXYPHENYL]-4,6-BIS(2,4-DIMETHYLPHENYL)-1,3,5-TRIAZINE IN PROPYLENE GLYCOL MONOMETHYL ETHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.38	Mixture of 2-[4-[(2-hydroxy-3-dodecyloxypropyl)oxy]-2-hydroxphenyl] -4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine and 2-[4-[(2-hydroxy-3-tridecyloxypropyl)oxy]-2-hydroxyphenyl]-4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine (CAS No. 153519–44–9) in propylene glycol monomethyl ether (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2139. BUPROFEZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.39	(Z)-2-*tert*-Butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one (Buprofezin) (CAS No. 69327–76–0 or 953030–84–7) (provided for in subheading 2934.99.16)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2140. FENPYROXIMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.40	*tert*-Butyl (E)-α-(1,3-dimethyl-5-phenoxypyrazol-4-ylmethyleneamino oxy)-ρ-toluate (Fenpyroximate) (CAS No. 134098–61–6) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2141. CHLOROANTRANILIPROLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.41	Mixtures of 3-bromo-4′- chloro-1-(3-chloro-2-pyridyl)- 2′-methyl-6′-(methylcarbamoyl)pyrazole-5- carboxanilide (Chloroantraniliprole) (CAS No. 500008–45–7) and inert ingredients (provided for in subheading 3808.91.25)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2142. ACAI, PULP, OTHERWISE PREPARED OR PRESERVED, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR SPIRIT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.42	Acai (other than mixtures), pulp, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit (provided for in subheading 2008.99.80)	3.3%	No change	No change	On or before 12/31/2012	''.

SEC. 2143. CERTAIN RADIOBROADCAST BAND RECEIVERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.43	Radiobroadcast band receivers not capable of operating without an external source of power, combined in the same housing with detachable 2-way speakers, the foregoing receivers each having a total power output of 250 W (125 W per channel into 6 ohms at 1 kHz, 10 percent total harmonic distortion) and containing a 5-disc compact disc changer; a docking station for an MP3 player and dual audiocassette decks, with one deck capable of sound reproducing only and the other deck capable of sound recording and reproducing (provided for in subheading 8527.91.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2144. CERTAIN SWITCHGEAR AND PANEL BOARDS SPECIFICALLY DESIGNED FOR WIND TURBINE GENERATORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.44	Switchgear and panel boards specifically designed for wind turbine generators in excess of 2 MW; such panels designed to transfer electric power to and from a utility power grid at 2100 kW at 600 volts with a nominal full load of 2190 amps; with dimensions of 1950–2050 mm (length) x 550–650 mm (width) x 1950–2050 mm (height); and with a display system that monitors at a minimum wind speed, yaw position, and blade pitch angle (provided for in subheading 8537.10.90)	1.7%	No change	No change	On or before 12/31/2012	''.

SEC. 2145. CERTAIN POWER FACTOR CAPACITOR PANELS SPECIFICALLY DESIGNED FOR WIND TURBINE GENERATORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.45	Power factor panels specifically designed for wind turbine generators in excess of 2 MW; such panels are specifically designed to optimize the power factor of the asynchronous induction generator in a wind turbine. The capacitor panel is managed by the wind turbine generator controller and has dimensions of 1950–2050 mm (length) x 550–650 mm (width) x 1950–2050 mm (height) (provided for in subheading 8537.10.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2146. CERTAIN ISOTOPIC SEPARATION CASCADES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.46	Isotopic separation cascades designed for the enrichment of uranium using gaseous centrifuge technology (provided for in subheading 8401.20.00)	2.2%	No change	No change	On or before 12/31/2012	".

SEC. 2147. CERTAIN SENSORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.47	Sensors without a recording device (provided for in subheading 9030.33.00) certified by the importer to monitor and report voltage, current and temperature in battery cells designed for use in electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery	Free	No change	No change	On or before 12/31/2012	".

SEC. 2148. CERTAIN DRIVE MOTOR BATTERY TRANSDUCERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.48	Drive motor battery transducers (provided for in subheading 8543.70.40), certified by the importer for use in electrically powered vehicles of subheading 8703.90.00 in which an on-board gasoline engine is used to run a generator that recharges the electric drive motor battery	Free	No change	No change	On or before 12/31/2012	".

SEC. 2149. CERTAIN ELECTRIC MOTOR CONTROLLERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.49	Electric motor controllers (provided for in subheading 9032.89.60), certified by the importer to control the electric motors that power electric vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery	1.4%	No change	No change	On or before 12/31/2012	".

SEC. 2150. CERTAIN CHARGERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.50	Chargers (provided for in subheading 8504.40.95) certified by the importer to recharge propulsion batteries by converting external, plug-in AC power to high voltage DC, designed for use in electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery	Free	No change	No change	On or before 12/31/2012	".

SEC. 2151. CERTAIN LITHIUM-ION BATTERY CELLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.51	Lithium-ion battery cells (provided for in subheading 8507.80.40), certified by the importer for use as the primary source of electrical power for electrically powered vehicles of subheading 8703.90.00 in which an on board gasoline engine is used to run a generator that recharges the electric drive motor battery	3.2%	No change	No change	On or before 12/31/2012	".

SEC. 2152. MIXTURES OF IMIDACLOPRID WITH CYFLUTHRIN OR ITS β-CYFLUTHRIN ISOMER, INCLUDING APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.52	Mixtures of 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine (Imidacloprid) (CAS No. 138261–41–3) with ((R)-cyano-(4-fluoro-3-phenoxy)phenyl)methyl (1R,3R)-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane-1-carboxylate (Cyfluthrin) (CAS No. 68359–37–5) or its β-cyfluthrin isomer, including application adjuvants (provided for in subheading 3808.91.25)	2.4%	No change	No change	On or before 12/31/2012	".

SEC. 2153. FLUOPYRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.53	N-{2-[3-Chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl}-α,α,α-trifluoro-o-toluamide (Fluopyram) (CAS No. 658066–35–4), whether or not mixed with application adjuvants (provided for in subheading 2933.39.21 or 3808.92.15)	2.2%	No change	No change	On or before 12/31/2012	".

SEC. 2154. INDAZIFLAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.54	N-[(1R,2S)-2,3-Dihydro-2,6-dimethyl-1H-inden-1-yl]-6-[(1RS)-(1-fluoroethyl)]-1,3,5-triazine-2,4-diamine (Indaziflam) (CAS No. 950782–86–2), whether or not mixed with application adjuvants (provided for in subheading 2933.69.60 or 3808.93.15)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2155. NITROGUANIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.55	Nitroguanidine (CAS No. 556–88–7) (provided for in subheading 2925.29.90)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2156. GUANIDINE NITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.56	Guanidine nitrate (CAS No. 506–93–4) (provided for in subheading 2925.29.90)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2157. CERTAIN HYDROGENATED POLYMERS OF NORBORNENE DERIVATIVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.57	1,4:5,8-Dimethanonaphthalene, 2-ethylidene-1,2,3,4,4a,5,8,8a-octahydro-, polymer with 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene, hydrogenated (CAS No. 881025–72–5); 1,4-methano-1H-fluorene, 4,4a,9,9a-tetrahydro-, polymer with 1,2,3,4,4a,5,8,8a-octahydro-1,4:5,8-dimethanonaphthalene and 3a,4,7,7a-tetrahydro-4,7-methano-1H-indene, hydrogenated (CAS No. 503442–46–4); and 1,4-methano-1H-fluorene, 4,4a,9,9a-tetrahydro-, polymer with 1,2,3,4,4a,5,8,8a-octahydro-1,4:5,8-dimethanonaphthalene, hydrogenated (CAS No. 503298–02–0) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2158. CERTAIN PLUG-IN ELECTROTHERMIC APPLIANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.58	Plug-in electrothermic appliances each with either a single integral fan or with two integral fans and designed to dispense the fragrance of scented oil, such appliances with exterior shell of plastics, having an overall height of 18 mm or more but not over 21 mm (provided for in subheading 8516.79.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2159. CONTINUOUS ACTION, SELF-CONTAINED, REFILLABLE, FAN-MOTOR DRIVEN, BATTERY-OPERATED, PORTABLE PERSONAL DEVICE FOR MOSQUITO REPELLENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.59	Continuous action, self-contained, refillable, fan-motor driven, battery-operated, portable personal device for mosquito repellents (provided for in subheading 8414.59.60)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2160. 4-CHLORO-1,8-NAPHTHALIC ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.60	4-Chloro-1,8-naphthalic anhydride (CAS No. 4053–08–1) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2161. NEOPENTYL GLYCOL (MONO) HYDROXYPIVALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.61	Neopentyl glycol (mono) hydroxypivalate (CAS No. 1115–20–4) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2162. *O*-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.62	*o*-Toluidine (CAS No. 95–53–4) (provided for in subheading 2921.43.90)	4.2%	No change	No change	On or before 12/31/2012	’’.

SEC. 2163. BLOCKED POLYISOCYANATE HARDENER; 2-BUTANONE, OXIME, POLYMER WITH 1,6-DIISOCYANATOHEXANE AND 2-ETHYL-2-(HYDROXYMETHYL)-1,3-PROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.63	blocked polyisocyanate hardener; 2-butanone, oxime, polymer with 1,6-diisocyanatohexane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (CAS No. 72968–62–8) (provided for in subheading 3911.90.90).	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2164. MIXTURES OF BARIUM SULFATE AND MAGNESIUM METAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.64	Mixtures of barium sulfate (CAS No. 7727–43–7) and magnesium metal (provided for in subheading 3824.90.92)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2165. POLY(MELAMINE-CO-FORMALDELHYDE) METHYLATED BUTYLATED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.65	Poly(melamine-co-formaldelhyde) methylated butylated (CAS No. 68036–97–5) (provided for in subheading 3909.20.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2166. POLY(MELAMINE-CO-FORMALDELHYDE) METHYLATED ISOBUTYLATED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.66	Poly(melamine-co-formaldelhyde) methylated isobutylated (CAS No. 68955–24–8) (provided for in subheading 3909.20.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2167. ION EXCHANGE RESIN, TERTIARY AMINE CROSSLINKED POLYSTYRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.43.67	Ion exchange resin, tertiary amine crosslinked polystyrene (CAS No. 68441–29–2) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2168. ION EXCHANGE RESIN, POLYSTYRENE CROSSLINKED WITH DIVINYLBENZENE, QUATERNARY AMONIUM CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.68	Ion exchange resin, polystyrene crosslinked with divinylbenzene, quaternary amonium chloride (CAS No. 69011–15–0) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2169. ION EXHANGE RESIN, POLYSTYRENE CROSSLINKED WITH DIVINYLBENZENE, CHLOROMETHYLATED, TRIMETHYLAMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.69	Ion exhange resin, polystyrene crosslinked with divinylbenzene, chloromethylated, trimethylammonium salt (CAS No. 69011–19–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2170. ION EXCHANGE RESIN CONSISTING OF STYRENE-DIVINYLBENZENE-VINYLETHYLBENZENE COPOLYMER, SULFONATED, SODIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.70	Ion exchange resin consisting of styrene-divinylbenzene-vinylethylbenzene copolymer, sulfonated, sodium salts (CAS No. 69011–22–9) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2171. TRIETHYLENEDIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.71	Triethylenediamine (CAS No. 280–57–9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2172. POLY(OXY-1,2-ETHANEDIYL), α-(2-ETHYLHEXYL-ω-HYDROXY-, PHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.72	Poly(oxy-1,2-ethanediyl), α-(2-ethylhexyl-ω-hydroxy-, phosphate (CAS No. 68439–39–4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2173. MACROPOROUS ADSORPENT POLYMER COMPOSED OF CROSSLINKED PHENOL-FORMALDEHYDE POLYCONDESATE RESIN IN GRANULAR FORM HAVING A MEAN PARTICLE SIZE OF 0.56 TO 0.76 MM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.73	Macroporous adsorpent polymer composed of crosslinked phenol-formaldehyde polycondesate resin in granular form having a mean particle size of 0.56 to 0.76 mm (CAS No. 9003–35–4) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2174. POLY(4-(1-ISOBUTOXYETHOXY)STYRENE-CO-4-HYDROXYSTYRENE) DISSOLVED IN 1-METHOXY-2-PROPANOL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.74	Poly(4-(1-isobutoxyethoxy)styrene-co-4-hydroxystyrene) (CAS No. 199432–82–1) dissolved in 1-methoxy-2-propanol acetate (CAS No. 108–65–6) (provided for in subheading 3208.90.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2175. POLY[(4-(1-ETHOXYETHOXY) STYRENE)/(4-(T-BUTOXYCARBONYLOXY) STYRENE)/(4-HYDROXYSTYRENE)].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.75	Poly[(4-(1-ethoxyethoxy) styrene)/(4-(t-butoxycarbonyloxy) styrene)/(4-hydroxystyrene)] (CAS No. 177034–75–2) (provided for in subheading 3903.90.50)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2176. 6-DIAZO-5,6-DIHYDRO-5-OXO-NAPHTHALENE-1-SULFONIC ACID ESTER WITH 2-[BIS(4-HYDROXY-2,3,5-TRIMETHYLPHENYL)METHYL] PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.76	6-Diazo-5,6-dihydro-5-oxo-naphthalene-1-sulfonic acid, ester with 2-[bis(4-hydroxy-2,3,5-trimethylphenyl) methyl]phenol (CAS No. 184489–92–7) (provided for in subheading 2927.00.25)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2177. BENZOYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.77	Benzoyl chloride (CAS No. 98–88–4) (provided for in subheading 2916.32.20)	2.7%	No change	No change	On or before 12/31/2012	".

SEC. 2178. CHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.78	Chlorobenzene (CAS No. 108–90–7) (provided for in subheading 2903.61.10)	2.9%	No change	No change	On or before 12/31/2012	".

SEC. 2179. *P*-DICHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.79	*p*-Dichlorobenzene (CAS No. 106–46–7) (provided for in subheading 2903.61.30)	2.9%	No change	No change	On or before 12/31/2012	".

SEC. 2180. CERTAIN STEAM HAIR STRAIGHTENERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.80	Electrothermic steam hair straighteners, each with removable water reservoir, the foregoing having mechanical controls with at least three but not more than six settings to control the volume of water released from the reservoir into the steam chamber (provided for in subheading 8516.32.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2181. CERTAIN ICE CREAM MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.81	Ice cream makers, each with a motor rated at 50 W or more but not over 60 W, with a bowl capacity of 1.4 liters or more but not over 1.95 liters (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2182. CERTAIN FOOD CHOPPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.82	Food choppers each with a reversible motor and a dual function blade, for grinding or chopping, with a bowl capacity of 0.6 liters or more, but not more than 1 liter (provided for in subheading 8509.40.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2183. CERTAIN PROGRAMMABLE DUAL FUNCTION COFFEE MAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.83	Electrothermic coffee makers, programmable, with blade capable of grinding coffee beans and dispensing ground coffee directly into a brew basket, each with a carafe capacity of 1.475 liters or more but not over 1.77 liters (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2184. CERTAIN ELECTRIC COFFEE MAKERS WITH BUILT-IN BEAN STORAGE HOPPERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.84	Electrothermic coffee makers, programmable and with automatic shut-off feature, each with a built-in bean storage hopper of a capacity of 227 g, having a burr grinder capable of dispensing ground coffee directly into a brew basket, the foregoing with a carafe capacity of 1.77 liters or more but not over 2.065 liters, capable of producing coffee in quantities starting at 1 cup per brewing cycle (provided for in subheading 8516.71.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2185. SARDINES, SARDINELLA AND BRISTLING OR SPRATS, IN OIL, IN AIRTIGHT CONTAINERS, NEITHER SKINNED NOR BONED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.85	Sardines, sardinella and bristling or sprats, in oil, in airtight containers, neither skinned nor boned (provided for in subheading 1604.13.20)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2186. CERTAIN IMAGE PROJECTORS DESIGNED TO SOOTHE OR ENTERTAIN INFANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.86	Image projectors capable of projecting images onto a ceiling or wall, the foregoing each imported with audio player and designed to soothe or entertain infants (provided for in subheading 9008.30.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2187. 2-OXEPANONE POLYMER, 1-3-ISOBENZOFURANEDIONE TERMINATED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.87	2-Oxepanone polymer, 1-3-isobenzofuranedione terminated (CAS No. 117985–60–1) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2188. 2-OXEPANONE, POLYMER WITH 1,6-HEXANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.88	2-Oxepanone, polymer with 1,6-hexanediol (CAS No. 36609–29–7) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2189. ε-CAPROLACTONE POLYMER WITH POLY(1,4-BUTYLENE GLYCOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.89	ε-Caprolactone polymer with poly(1,4-butylene glycol) (CAS No. 9051–88–1) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2190. POLY(CAPROLACTONE) DIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.90	Poly(caprolactone) diol (CAS No. 36890–68–3) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2191. CAPROLACTONE HOMOPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.43.91	Caprolactone homopolymer (CAS No. 24980–41–4) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2192. 2,4,6-TRIS (DIMETHYLAMINO) METHYL]PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.92	2,4,6-Tris [(dimethylamino)methyl]phenol (CAS No. 90–72–2) (provided for in subheading 2922.29.81)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2193. PROPANOIC ACID, 3-HYDROXY-2-(HYDROXYMETHYL)-2-METHYL- HOMOPOLYMER, ESTER WITH α-HYDRO-ω-HYDROXYPOLY(OXY-1,2-ETHANEDIYL) ETHER WITH 2,2-BIS(HYDROXYMETHYL)-1,3-PROPANEDIOL (4:4:1), 2,2-BIS[(2-PROPENYLOXY)METHYL]BUTYL SUCCINATES C3-24 CARBOXYLATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.93	Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl- homopolymer, ester with α-hydro-ω-hydroxypoly(oxy-1,2-ethanediyl) ether with 2,2-bis(hydroxymethyl)-1,3-propanediol (4:4:1), 2,2-bis[(2-propenyloxy)methyl]butyl succinates C3-24 carboxylates (CAS No. 462113–23–1) (provided for in subheading 3907.50.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2194. 2-OXEPANONE, POLYMER WITH 2,2-BIS(HYDROXYMETHYL)-1,3-PROPANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.94	2-Oxepanone, polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol (CAS No. 35484–93–6) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2195. 2-OXEPANONE, POLYMER WITH 1,4-BUTANEDIOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.95	2-Oxepanone, polymer with 1,4-butanediol (CAS No. 31831–53–5) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2196. DIANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.96	2,5-Cyclohexadiene-1,4-dione-2,5-dichloro-3,6-bis[(9-ethyl-9H-carbazol-3-yl)amino] (Dianil) (CAS No. 80546–37–8) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2197. S-METOLACHLOR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.97	2-Chloro-N-(2-ethyl-6-methylphenyl)-N-[(1S)-2-methoxy-1-methylethyl]acetamide (s-Metolachlor) (CAS No. 87392–12–9) (provided for in subheading 2924.29.47)	6%	No change	No change	On or before 12/31/2012	''.

SEC. 2198. FRAMES AND MOUNTINGS FOR SPECTACLES, GOGGLES, OR THE LIKE, THE FOREGOING OF PLASTICS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.98	Frames and mountings for spectacles, goggles, or the like, the foregoing of plastics (provided for in subheading 9003.11.00)	2.3%	No change	No change	On or before 12/31/2012	''.

SEC. 2199. 1,3-PROPANEDIAMINIUM, N-[3-[[[DIMETHYL [3-[(2-METHYL-1-OXO-2-PROPENYL)AMINO] PROPYL] AMMONIO] ACETYL] AMINO] PROPYL]-2-HYDROXY-N,N,N′,N′,N′- PENTAMETHYL-, TRICHLORIDE, POLYMER WITH 2-PROPENAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.43.99	1,3-Propanediaminium, N-[3-[[[dimethyl[3- [(2-methyl-1- oxo-2- propenyl) amino] propyl] ammonio] acetyl]amino] propyl] -2- hydroxy- N,N,N′,N′,N′-pentamethyl-, trichloride, polymer with 2-propenamide (CAS No. 916155–61–8) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2200. 2-CYCLOHEXYLIDENE-2-PHENYLACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.44.01	2-Cyclohexylidene-2-phenylacetonitrile (CAS No. 10461–98–0) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2201. POLY(DICYCLOPENTADIENE-CO-P-CRESOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.44.02	Poly(dicyclopentadiene-co-p-cresol) (CAS No. 68610–51–5) (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2202. 2-OXEPANONE, POLYMER WITH AZIRIDINE AND TETRAHYDRO-2H-PYRAN-2-ONE, DODECANOATE ESTER DISPERSANT IN N-BUTYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.44.03	2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester dispersant in n-butyl acetate, such that the weight of the active ingredient is less than 50 percent of the weight of the solution (provided for in subheading 3208.10.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 2203. AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER DISPERSANT IN AROMATIC NAPHTHA SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.04	Amine neutralized phosphated polyester polymer dispersant in aromatic naphtha solvent, such that the weight of the active ingredient is less than 50 percent of the weight of the solution (provided for in subheading 3208.10.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2204. CERTAIN PLASTIC LAMINATE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.05	Laminate sheets of plastics, each consisting of layers of polyethylene film (the foregoing comprising polyethylene coextrusion copolymer of low density polyethylene and ethylene acrylic acid) around an inner layer of aluminum foil (provided for in subheading 3921.90.40)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2205. PARTS OF FRAMES AND MOUNTINGS FOR SPECTACLES, GOGGLES, OR THE LIKE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.06	Parts of frames and mountings for spectacles, goggles, or the like (provided for in subheading 9003.90.00)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2206. CERTAIN WINDOW SHADE MATERIAL OF PAPER STRIPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.07	Material suitable for use in window shades, presented in rolls, measuring approximately 27 m^2 or more but not over 47 m^2 in area, the foregoing comprising plaiting material of paper strips placed side-by-side and woven together using polyester yarn into a repeating pattern, whether or not painted or coated and whether or not incorporating imitation leather in strips measuring approximately 2.5 mm or more but not over 4 mm in width (provided for in subheading 4601.99.90)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2207. CERTAIN WINDOW SHADE MATERIAL OF BAMBOO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.08	Material suitable for use in window shades, presented in rolls, measuring approximately 27 m^2 or more but not over 47 m^2, the foregoing of bamboo, whether or not painted or coated, comprising one or more of the following bound together in parallel strands with polyester yarn: bamboo stems measuring 2 mm or more but not over 5 mm in diameter, bamboo slats measuring approximately 1 mm or more but not over 13 mm wide and/or bamboo cane measuring 2 mm or more but not over 12 mm in diameter; the foregoing whether or not containing grass, paper or jute (provided for in subheading 4601.92.20)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2208. CERTAIN WINDSOCK-TYPE DECOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.09	Windsock-type decoys with silhouette heads, each having an internal frame to maintain body shape and presented with spring steel stake system (provided for in subheading 9507.90.80)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2209. CERTAIN WINDSOCKS WITH SILHOUETTE HEADS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.10	Windsocks with silhouette heads and fabric bodies of textile materials, each having an internal frame to maintain body shape and presented with spring steel stake system (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2210. CERTAIN IMPLEMENTS FOR CLEANING HUNTED FOWL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.11	Devices of stainless steel designed for use in separating the wings and breast of hunted fowl from the rest of the carcasses when mounted on a standard vehicle trailer hitch (provided for in subheading 7326.90.85)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2211. ALKANES C10-C14.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.12	Alkanes C10-C14 (CAS No. 93924–07–3) (ASTM D–156) (provided for in subheading 2710.19.90)	6.1%	No change	No change	On or before 12/31/2012	".

SEC. 2212. 2-HYDROXYETHYL-N-OCTYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.13	2-Hydroxyethyl-n-octyl sulfide (CAS No. 3547–33–9) (provided for in subheading 2930.90.91)	Free	No change	No change	On or before 12/31/2012	".

SEC. 2213. CERTAIN PHOTOMASK BLANKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.14	Photomask blanks with synthetic quartz substrates, with zero defects greater than 0.5 microns in the photoresist and chromium or phase shift layer (provided for in subheading 3701.99.60)	1.1%	No change	No change	On or before 12/31/2012	".

SEC. 2214. CERTAIN EARPHONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.15	Earphones, each having either multiple speakers in each earpiece (such speakers being balanced armature speakers) or with a single speaker in each earpiece (such speaker being either a balanced armature or a moving coil speaker), all the foregoing with a frequency response of 18 Hz or more but not over 19 kHz with a deviation of approximately plus or minus 3db and with detachable foam sleeves that enter the ear canal and a detachable cable (provided for in subheading 8518.30.20)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2215. CERTAIN HOT FEED EXTRUDING MACHINES FOR BUILDING TRUCK AND AUTOMOBILE TIRES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.16	Hot feed extruding machines certified by the importer as for building truck and automobile tires, such machines capable of extruding rubber materials measuring 870 mm or more but not over 1200 mm in width, and parts thereof (provided for in subheading 8477.20.00, 8477.90.25, 8477.90.45, or 8477.90.85)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2216. MIXTURES OF TETRAKIS(HYDROXYMETHYL)PHOSPHONIUM CHLORIDE - UREA POLYMER AND TETRAKIS(HYDROXYMETHYL)PHOSPHONIUM CHLORIDE, AND FORMALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.17	Mixtures of tetrakis (hydroxymethyl)phosphonium chloride - urea polymer (CAS No. 27104–30–9) and tetrakis (hydroxymethyl)phosphonium chloride (1:1) (CAS No. 124–64–1), and formaldehyde (CAS No. 50–00–0) (provided for in subheading 3809.91.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2217. *P*-FLUOROBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.18	*p*-Fluorobenzaldehyde (CAS No. 459–57–4) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2218. BICYCLO[2.2.1]-HEPT-5-ENE-2,3-DICARBOXYLIC ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.19	Bicyclo[2.2.1]-hept-5-ene-2,3-dicarboxylic anhydride (CAS No. 826–62–0) (provided for in subheading 2917.20.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2219. *O*-DICHLOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.20	*o*-Dichlorobenzene (CAS No. 95–50–1) (provided for in subheading 2903.61.20)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2220. 2,2′-DITHIOIBISBENZOTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.21	2,2′-Dithioibisbenzothiazole (CAS No. 120–78–5) (provided for in subheading 2934.20.10)	2.1%	No change	No change	On or before 12/31/2012	’’.

SEC. 2221. AUDIO INTERFACE UNITS FOR SOUND MIXING, RECORDING, AND EDITING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.22	Audio interface units for sound mixing, recording and editing, the foregoing capable of full interface control using separate automatic data processing systems (provided for in subheading 8543.70.96)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2222. CERTAIN ELECTRIC COOKTOPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.23	Electric cooktops, weighing approximately 10.3 kg or more but not over 20.9 kg, having manual control knobs, each with coil-type electric cooking elements or with a flat cooking surface with incorporated heating elements, the foregoing which are (1) approximately 66.0 or 76.2 cm in width and with 4 coils or heating elements, or (2) approximately 91.4 cm in width and with 5 coils or heating elements (provided for in subheading 8516.60.60)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2223. CHROMATE(4-), [7-AMINO-3-[(3-CHLORO-2-HYDROXY-5-NITROPHENYL)AZO]-4-HYDROXY-2-NAPHTHALENESULFONATO(3-)][6-AMINO-4-HYDROXY-3-[(2-HYDROXY-5-NITRO-3-SULFOPHENYL)AZO]-2-NAPHTHALENESULFONATO(4-)]-, TETRASODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.24	Chromate(4-), [7-amino-3-[(3-chloro-2-hydroxy-5-nitrophenyl)azo]-4-hydroxy-2-naphthalenesulfonato(3-)][6-amino-4-hydroxy-3-[(2-hydroxy-5-nitro-3-sulfophenyl)azo]-2-naphthalenesulfonato(4-)]-, tetrasodium (CAS No. 184719–87–7) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2224. PIGMENT ORANGE 62.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.25	Butanamide, N-(2,3-dihydro-2-oxo-1H-benzimidazol-5-yl)-2-[2-(4-nitrophenyl)diazenyl]-3-oxo- (Pigment Orange 62) (CAS No. 52846–56–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2225. MIXTURES OF FLUSILAZOLE WITH XYLENE AND INERT APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.26	Mixtures of 1-[[bis(4-fluorophenyl) methylsilyl]methyl]-1H-1,2,4-triazole (Flusilazole) (CAS No. 85509–19–9) with xylene and inert application adjuvants (provided for in subheading 3808.92.15)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2226. FLUTHIACET-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.27	Methyl[[2-chloro-4-fluoro- 5[(tetrahydro-3-oxo-1H,3H- [1,3,4]thiadiazolo[3,4- a]pyridazin-1- ylidene)amino]phenyl]- thio]acetate (Fluthiacet-methyl) (CAS No. 117337– 19–6) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2227. FORMULATIONS CONTAINING FLUTHIACET-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.28	Formulations containing methyl[[2-chloro-4-fluoro- 5[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo[3,4- a]pyridazin-1- ylidene)amino]phenyl]- thio]acetate (Fluthiacet-methyl) (CAS No. 117337– 19–6) and application adjuvants (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2228. CERTAIN ELECTRODES PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.29	Soderberg electrode pastes in rectangular blocks, cylinders (greater than or equal to 500 mm in diameter), or briquettes consisting of calcined anthracite (CAS No. 68187–59–7) and coal tar pitch CAS No. 65996–93–2) (provided for in subheading 3801.30.00) for use in the production of ferro-silicon having a 40–80 percent silicon content	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2229. ETHYL [4-CHLORO-2-FLUORO-5-[[[[METHYL (1-METHYLETHYL) AMINO] SULFONYL] AMINO] CARBONYL] PHENYL] CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.30	Ethyl [4-chloro-2-fluoro-5-[[[[methyl(1-methylethyl)amino]sulfonyl] amino]carbonyl]phenyl] carbamate (CAS No. 874909–61–2) (provided for in subheading 2935.00.95)	5%	No change	No change	On or before 12/31/2012	’’.

SEC. 2230. ETHYL 3-AMINO-4,4,4-TRIFLUOROCROTONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.31	Ethyl 3-amino-4,4,4-trifluorocrotonate (CAS No. 372–29–2) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2231. DIETHYL OXALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.32	Diethyl oxalate (CAS No. 95–92–1) (provided for in subheading 2917.11.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2232. POTASSIUM DECAFLUORO(PENTAFLUORO-ETHYL)CYCLOHEXANESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.33	Potassium decafluoro(pentafluorethyl) cyclohexanesulfonate (CAS No. 67584–42–3) (provided for in subheading 2904.90.50)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2233. CERTAIN DYNAMIC MICROPHONES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.34	Single-element unidirectional (cardioid) dynamic microphones, each with a frequency response of 60 Hz or more but not more than 15 kHz and less than 10 dB deviation across the frequency range, the foregoing each incorporating a copper coil and neodymium magnet and having a steel mesh grille and a die-cast handle of zinc alloy (provided for in subheading 8518.10.80)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2234. 2-PROPENOIC ACID, REACTION PRODUCTS WITH O-CRESOL-EPICHLOROHYDRIN-FORMALDEHYDE POLYMER AND 3A,4,7,7A-TETRAHYDRO-1,3-ISOBENZOFURANDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.35	2-Propenoic acid, reaction products with o-cresol-epichlorohydrin-formaldehyde polymer and 3a,4,7,7a-tetrahydro-1,3-isobenzofurandione (CAS No. 186511–06–8) (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2235. FORMALDEHYDE, POLYMER WITH METHYLPHENOL, 2-HYDROXY-3-[(1-OXO-2-PROPENYL)OXY]PROPYL ETHER AND FORMALDEHYDE, POLYMER WITH (CHLOROMETHYL)OXIRANE AND METHYLPHENOL, 4-CYCLOHEXENE-1,2-DICARBOXYLATE 2-PROPENOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.36	Formaldehyde, polymer with methylphenol, 2-hydroxy-3-[(1-oxo-2-propenyl)oxy]propyl ether (CAS No. 126901–56–2); and formaldehyde, polymer with (chloromethyl)oxirane and methylphenol, 4-cyclohexene-1,2-dicarboxylate 2-propenoate (CAS No. 182697–62–7) (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2236. VARIABLE-FOCAL-LENGTH (ZOOM) LENSES FOR DIGITAL CAMERAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.37	Variable-focal-length (zoom) lenses for digital cameras, either having a focal-length range measuring approximately 10 mm or more but not over 24 mm and weighing between 455 and 465 grams, or having a focal-length range measuring approximately 55 mm or more but not over 200 mm and weighing between 329 and 339 grams, or having a focal-length range measuring approximately 70 mm or more but not over 200 mm and weighing between 1,535 and 1,545 grams (all the foregoing provided for in subheading 9002.11.90)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2237. CERTAIN UMBRELLAS HAVING AN ARC GREATER THAN 152 CM BUT NOT MORE THAN 165 CM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.38	Umbrellas, each having an arc measuring 152 cm or more but not more than 165 cm (provided for in subheading 6601.99.00)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2238. 4-METHYLBENZENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.39	4-Methylbenzenesulfonamide (CAS No. 70–55–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2239. MIXTURE OF CALCIUM HYDROXIDE, MAGNESIUM HYDROXIDE, ALUMINUM SILICATE, AND STEARIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.40	Mixture of calcium hydroxide (CAS No. 1305–62–0), magnesium hydroxide (CAS No. 1309–42–8), aluminum silicate (CAS No. 70131–50–9), and stearic acid (CAS No. 57–11–4) (provided for in subheading 3824.90.92)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2240. CERTAIN ELECTRICAL CONNECTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.41	Banana jack connectors (provided for in subheading 8536.69.80)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2241. CERTAIN TAMPER RESISTANT GROUND FAULT CIRCUIT INTERRUPTER RECEPTACLES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.42	Ground fault circuit interrupter (GFCI) receptacles designed to prevent insertion of foreign objects, each with internal shutters and clearly marked TR (‘‘tamper resistant’’), certified by the importer as meeting the 2008 National Electric Code Section 406.11 for 15 ampere or 20 ampere receptacles (provided for in subheading 8536.30.80)	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2242. CERTAIN HIGH PRESSURE FUEL PUMPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.43	Fuel pumps designed for gasoline/ethanol direct injection fuel systems in internal combustion piston engines, the foregoing pumps capable of delivering fuel at pressures of 3.5 MPa or more but not over 12 MPa (provided for in subheading 8413.30.90)	1.4%	No change	No change	On or before 12/31/2012	’’.

SEC. 2243. CERTAIN HYBRID ELECTRIC VEHICLE INVERTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.44	Inverters (provided for in subheading 8504.40.95) for converting DC battery output to three-phase AC output designed to power an electric drive motor, certified by the importer for use in hybrid electric vehicles	1.1%	No change	No change	On or before 12/31/2012	’’.

SEC. 2244. CERTAIN DIRECT INJECTION FUEL INJECTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.45	Direct injection fuel injectors (solenoid valves) (provided for in subheading 8481.80.90) designed to inject gasoline/ethanol fuel blends directly into the combustion chamber of a spark-ignition combustion piston engine in a high-pressure non-port injection system in a motor vehicle	1.1%	No change	No change	On or before 12/31/2012	’’.

SEC. 2245. CERTAIN POWER ELECTRONICS BOXES AND STATIC CONVERTER COMPOSITE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.44.46	Power electronics box and static converter composite units (provided for in subheading 8504.40.95), each capable of performing the functions of an AC inverter and an auxiliary power module, capable of reducing DC voltage from 42 V (supplied by battery) to 12 V output and providing three-phase AC output to motor generator unit, the foregoing certified by the importer for use in hybrid electric motor vehicles	Free	No change	No change	On or before 12/31/2012	’’.

SEC. 2246. CERTAIN ENGINES TO BE INSTALLED IN WORK TRUCKS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.47	Compression-ignition internal combustion piston engines of a cylinder capacity not exceeding 1,000 cc to be installed in vehicles of heading 8709 (provided for in subheading 8408.20.90)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2247. CERTAIN WINDOW SHADE MATERIAL IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.48	Material suitable for use in window shades, presented in rolls, measuring approximately 27 m² or more but not over 47 m², the foregoing of wood, whether or not painted or coated, comprising wood slats measuring approximately 6 mm or more but not over 8 mm in width or 22 mm or more but not over 25 mm in width and 1 mm or more but not over 2 mm in thickness, woven into a repeating pattern with polyester yarn; the foregoing whether or not containing one or more of the following materials: bamboo stems measuring approximately 1 mm or more but not over 2.5 mm in width, marupa (Simarouba spp.) wood rods measuring approximately 1.5 mm or more but not over 3 mm in diameter, rope of twisted paper, jute yarn or paper strips (provided for in subheading 4601.94.20)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2248. 4,4′-METHYLENEBIS(2-CHLOROANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.49	4,4′-Methylenebis(2-chloroaniline) (CAS No. 101–14–4) (provided for in subheading 2921.59.08)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2249. METHYL CHLOROACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.50	Methyl chloroacetate (CAS No. 96–34–4) (provided for in subheading 2915.40.50)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2250. CERTAIN LAMINATED FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.51	Laminated film with outer layers of polyethylene sandwiched around a printed nylon inner layer, with or without an additional saran inner layer; or laminated film of polyethylene with printed nylon inner layer for use in aseptic bag manufacture (provided for in subheading 3920.10.00)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2251. METHYL ACRYLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.52	Methyl acrylate (CAS No. 96–33–3) (provided for in subheading 2916.12.50)	2%	No change	No change	On or before 12/31/2012	”.

SEC. 2252. HEXANEDIOIC ACID, POLYMER WITH *N*-(2-AMINOETHYL)-1,3-PROPANEDIAMINE, AZIRIDINE, (CHLOROMETHYL)OXIRANE, 1,2-ETHANEDIAMINE, *N,N*-1,2-ETHANEDIYLBIS(1,3-PROPANEDIAMINE), FORMIC ACID AND ALPHA-HYDRO-OMEGA-HYDROXYPOLY(OXY-1,2-ETHANEDIYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.53	Hexanedioic acid, polymer with *N*-(2-aminoethyl)-1,3-propanediamine, aziridine, (chloromethyl)oxirane, 1,2-ethanediamine, *N,N*-1,2-ethanediylbis(1,3-propanediamine), formic acid and alpha-hydro-omega-hydroxypoly(oxy-1,2-ethanediyl) (CAS No. 114133–44–7) (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2253. *N*-VINYLFORMAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.54	*N*-Vinylformamide (CAS No. 13162–05–5) (provided for in subheading 2924.19.11)	0.3%	No change	No change	On or before 12/31/2012	”.

SEC. 2254. LOW MOLECULAR WEIGHT ETHYLENIMINE COPOLYMERS, 1,2-ETHANEDIAMINE, POLYMER WITH AZIRIDINE, WHETHER IN AQUEOUS SOLUTION OR WATER FREE GRADES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.55	Low molecular weight ethylenimine copolymers, 1,2-ethanediamine, polymer with aziridine (CAS No. 25987–06–8), whether in aqueous solution or water free grades (provided for in subheading 3911.90.90)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2255. ANTARCTIC KRILL OIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.56	Antarctic krill oil, in bulk, not chemically modified, not containing lipids from any other sources (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2256. MIXTURE OF 1-(1,2,3,4,5,6,7,8-OCTAHYDRO-2,3,8,8-TETRAMETHYL-2-NAPHTHALENYL)-ETHAN-1-ONE (AND ISOMERS).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.44.57	Mixture of 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)-ethan-1-one (and isomers) (CAS Nos. 54464–57–2; 68155–66–8; 68155–67–9) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2012	”.

SEC. 2257. EFFECTIVE DATE.

The amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Subtitle B—Additional Existing Duty Suspensions and Reductions

SEC. 2301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS AND OTHER MODIFICATIONS.

(a) EXTENSIONS.—Each of the following headings is amended by striking the date in the effective period column and inserting ''12/31/2012'':

(1) Heading 9902.05.35 (relating to certain footwear).

(2) Heading 9902.22.70 (relating to calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore).

(3) Heading 9902.22.72 (relating to calcium chloride phosphate phosphor used as a luminophore).

(4) Heading 9902.22.74 (relating to small particle calcium chloride phosphate phosphor).

(5) Heading 9902.24.12 (relating to sacks and bags of undyed woven fabric of nylon multifilament yarns used for packing wool for transport, storage, or sale).

(6) Heading 9902.13.28 (relating to Triasulfuron).

(7) Heading 9902.11.36 (relating to 2-Methylhydroquinone).

(8) Heading 9902.85.21 (relating to certain liquid crystal display panel assemblies).

(9) Heading 9902.84.85 (relating to certain extruders used in the production of radial tires).

(10) Heading 9902.29.02 (relating to 2-Acetylnicotinic acid).

(11) Heading 9902.03.23 (relating to 12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene).

(12) Heading 9902.25.59 (relating to staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning).

(13) Heading 9902.10.21 (relating to acrylic or modacrylic filament tow).

(14) Heading 9902.25.62 (relating to acrylic or modoacrylic staple fibers, not carded, combed, or otherwise processed for spinning).

(15) Heading 9902.02.67 (relating to acetyl chloride).

(16) Heading 9902.10.47 (relating to butanedioic acid, dimethyl ester, polymer with 4-hydroxy-2,2,6,6,-tetramethyl-1-piperidineethanol).

(b) OTHER MODIFICATIONS.—

(1) TRITICONAZOLE.—Heading 9902.03.99 is amended—

(A) by striking the article description and inserting the following: ''(RS)-(E)-5-(4-chlorobenzylidene)-2,2-dimethyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol (Triticonazole) (CAS No. 131983–72–7) (provided for in subheading 2933.99.22)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(2) BOSCALID.—Heading 9902.01.18 is amended—

(A) by striking the article description and inserting the following: ''2-Chloro-N-(4′-chloro-biphenyl-2-yl)-nicotinamide (Boscalid) (CAS No. 188425–85–6) (provided for in subheading 2933.39.21)'';

(B) by striking ''4.4%'' in the column 1 general rate of duty column and inserting ''5.8%''; and

(C) by striking the date in the effective period column and inserting ''12/31/2012''.

(3) ARTIFICIAL FLOWERS OF MAN-MADE FIBERS.—The second heading 9902.25.65 (relating to artificial flowers of man-made fibers)—

(A) is redesignated as heading 9902.25.80; and

(B) is amended—

(i) by striking ''Free'' in the column 1 general rate of duty column and inserting ''8.7%''; and

(ii) by striking the date in the effective period column and inserting ''12/31/2012''.

(4) CERTAIN AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 105 W.—Heading 9902.85.07 is amended—

(A) by striking the article description and inserting the following: ''AC electric motors of an output exceeding 74.6 W but not exceeding 105 W, single phase; each equipped with a capacitor, a rotary speed control mechanism, and a peripherally located mounting, cooling, and electrical isolation ring made of plastics with an internal opening exceeding 80 mm and an external dimension exceeding 127 mm but not exceeding 180 mm (provided for in subheading 8501.40.40)'';

(B) by striking ''Free'' in the column 1 general rate of duty column and inserting ''1%''; and

(C) by striking the date in the effective period column and inserting ''12/31/2012''.

(5) 3,3 DICHLOROBENZIDINE DIHYDROCHLORIDE.—Heading 9902.25.73 is amended—

(A) by striking ''5.9%'' in the column 1 general rate of duty column and inserting ''4.3%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(6) CERTAIN CHEMICAL DISPERSANT.—Heading 9902.03.26 is amended—

(A) in the article description, by striking ''3824.90.28'' and inserting ''2933.99.79''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(7) CERTAIN LIGHTS DESIGNED FOR USE IN AIRCRAFT.—Heading 9902.22.85 is amended by striking the article description and inserting the following: ''Exterior lights designed for illuminating aircraft evacuation routes or slides (provided for in subheading 9405.40.60)''.

(8) CERTAIN VACUUM RELIEF VALVES DESIGNED FOR USE IN AIRCRAFT.—Heading 9902.22.83 is amended by striking the article description and inserting the following: ''Vacuum relief valves designed to equalize pressure between the internal cabin and the external atmosphere, certified by the importer for use in civil aircraft (provided for in subheading 8481.40.00)''.

(9) CERTAIN SECTOR MOLD PRESS MACHINES.—Heading 9902.84.89 is amended—

(A) by striking the article description and inserting the following: ''Sector mold press machines to be used in production of radial tires designed for off-the-highway use, such tires measuring more than 254 cm in overall diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40 or 4011.99.45), numerically controlled, and parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(10) VERNAKALANT HYDROCHLORIDE.—Heading 9902.22.93 is amended—

(A) by striking the article description and inserting the following: ''3-Pyrrolidinol, 1-[(1R,2R)-2-[2-(3,4-dimethoxyphenyl)ethoxy]cyclohexyl]-,hydrochloride, (3R) (Vernakalant hydrochloride) (CAS No. 748810–28–8) (provided for in subheading 2933.99.53)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(11) POLY(ETHYLENE-CO-1-BUTENE).—Heading 9902.10.34 is amended—

(A) by striking the article description and inserting the following: ''Poly(ethylene-co-1-butene) (CAS No. 25087–34–7) (provided for in subheading 3901.20.50)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(12) ULTRAFINE YTTRIUM OXIDE PHOSPHOR.—Heading 9902.22.69 is amended—

(A) by striking the article description and inserting the following: ''Ultrafine yttrium oxide phosphor, with a median particle size not to exceed 4.3 microns and containing greater than 6.5 percent by weight of europium, used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 2846.90.80)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(13) COARSE YTTRIUM OXIDE PHOSPHOR.—Heading 9902.22.63 is amended—

(A) by striking the article description and inserting the following: ''Coarse yttrium oxide phosphor with a median particle size greater than 4.9 microns, containing between 4.5 and 5.9 percent by weight of europium, used as a luminophore (CAS No. 68585–82–0) (provided for in subheading 2846.90.80)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(14) STRONTIUM CALCIUM BARIUM CHLOROPHOSPHATE.—Heading 9902.22.73 is amended—

(A) by striking the article description and inserting the following: ''Strontium calcium barium chlorophosphate, europium doped, used as a luminophore (CAS Nos. 109037–74–3 and 1312–81–8) (provided for in subheading 3206.50.00)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(15) LANTHANUM PHOSPHATE PHOSPHOR.—Heading 9902.22.75 is amended—

(A) by striking the article description and inserting the following: ''Lanthanum phosphate phosphor with a median particle size between 2.5 and 4.1 microns, containing cerium and terbium, used as a luminophore (CAS Nos. 13778–59–1, 13454–71–2, and 13863–48–4 or 95823–34–0) (provided for in subheading 2846.90.80)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(16) BARIUM MAGNESIUM ALUMINATE PHOSPHOR.—Heading 9902.22.64 is amended—

(A) by striking the article description and inserting the following: ''Barium magnesium aluminate phosphor with a median particle size between 2.2 and 3.0 microns, containing europium or manganese, used as a luminophore (CAS Nos. 63774–55–0 and 1308–96–9) (provided for in subheading 3206.50.00)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

SEC. 2302. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICABILITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entry of a good described in any heading of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (as amended by this subtitle)—

(A) which was made on or after January 1, 2010, and before the 15th day after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a reduced duty (as the case may be) if the amendment or amendments made by this subtitle applied to such entry, shall be liquidated or reliquidated as though the entry had been made on the 15th day after the date of the enactment of this Act.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor

is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a good under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(4) DEFINITION.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

TITLE III—MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND

SEC. 3001. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended—

(1) in subparagraph (A), by striking ''subject to the limitation in subparagraph (B)'' and inserting ''subject to subparagraphs (B) and (C)''; and

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

''(C) ALTERNATIVE FUNDING SOURCE.—Subparagraph (A) shall be applied and administered by substituting 'chapter 62' for 'chapter 51' for any period of time with respect to which the Secretary notifies Congress that amounts determined by the Secretary to be equivalent to amounts received in the general fund of the Treasury of the United States that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States are not sufficient to make payments under paragraph (3) or grants under paragraph (6).''.

(b) FULL RESTORATION OF PAYMENT LEVELS IN CALENDAR 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 51 or chapter 62 of the Harmonized Tariff Schedule of the United States (as determined under section 4002(c)(2) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600)), 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 amendments 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.

TITLE IV—LIQUIDATION OR RELIQUIDATION OF CERTAIN LINE ITEMS

SEC. 4001. RELIQUIDATION OF CERTAIN ORANGE JUICE ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provisions of law, U.S. Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries listed in subsection (c) in accordance with the final results of the administrative reviews undertaken by the International Trade Administration of the Department of Commerce with respect to the antidumping duty order on certain orange juice from Brazil (Case Number A–351–840) and covering the periods from August 24, 2005, through February 28, 2007, and from March 1, 2007, through February 29, 2008, respectively.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by U.S. Customs and Border Protection not later than 90 days after such liquidation or reliquidation with interest.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
032–0354213–3	12/14/2006
032–0358707–0	04/05/2007
032–0362302–4	07/09/2007.

SEC. 4002. RELIQUIDATION OF CERTAIN ENTRIES OF INDUSTRIAL NITROCELLULOSE FROM THE UNITED KINGDOM.

(a) RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, U.S. Customs and Border Protection shall, not later than 90 days after the date of the enactment of this Act—

(1) reliquidate the entries listed in subsection (b) at the final antidumping duty assessment rate of 3.43 percent, as determined by Department of Commerce during the administrative review pertaining to those entries; and

(2) refund to the importer of record the amount of excess antidumping duty collected as a result of the liquidation of those entries and the assessment of antidumping duties at the ''as entered'' rate of 18.49 percent, including interest thereon, in accordance with sections 737(b) and 778 of the Tariff Act of 1930 (19 U.S.C. 1673f(b) and 1677g).

(b) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry	Port
91608255286	6/26/2000	Houston
91609285753	7/4/2000	Houston
91609285761	7/4/2000	Houston
91608258504	7/20/2000	Houston
91608259700	7/25/2000	Houston
91608260724	8/1/2000	Houston
91608263405	8/12/2000	Houston
91608264429	8/28/2000	Houston
91608266135	8/31/2000	Houston
91608267364	9/6/2000	Houston
91608271382	9/27/2000	Houston
91608272976	10/5/2000	Houston
91608273735	10/12/2000	Houston
91608276662	10/23/2000	Houston
91608278700	10/30/2000	Houston
91608276654	10/23/2000	Houston
91608279567	11/7/2000	Houston
91608279559	11/8/2000	Houston
91608282322	11/20/2000	Houston
91608285242	12/9/2000	Houston
91608286935	12/16/2000	Houston
91608286950	12/16/2000	Houston
91608288428	12/19/2000	Houston
91608289392	12/28/2000	Houston
91608290499	1/2/2001	Houston
91608290507	1/2/2001	Houston
91608293717	1/24/2001	Houston
91608293709	1/24/2001	Houston
91608296868	2/6/2001	Houston
91608294640	1/30/2001	Houston
91610450040	2/19/2001	Houston
91610455031	3/6/2001	Houston
91510455015	3/6/2001	Houston
91610459223	3/26/2001	Houston
91610462052	4/6/2001	Houston
91610462037	4/10/2001	Houston
91610466665	4/22/2001	Houston
91610460619	4/6/2001	Houston
91610469669	5/9/2001	Houston
91610470600	5/12/2001	Houston
91610470402	5/12/2001	Houston

Entry number	Date of entry	Port
91610474149	5/30/2001	Houston
91610477019	6/12/2001	Houston
91610475385	6/4/2001	Houston
91610479650	6/25/2001	Houston
91608255013	6/22/2000	Norfolk
91608254990	6/22/2000	Norfolk
91608257498	6/7/2000	Norfolk
91608259189	7/15/2000	Norfolk
91608260708	7/16/2000	Norfolk
91608260716	7/29/2000	Norfolk
91608263272	8/8/2000	Norfolk
91608263421	8/12/2000	Norfolk
91608264718	8/14/2000	Norfolk
91608265145	8/18/2000	Norfolk
91608265392	8/18/2000	Norfolk
91608265384	8/18/2000	Norfolk
91608266127	8/25/2000	Norfolk
91608266119	8/25/2000	Norfolk
91608268933	9/8/2000	Norfolk
91608266283	9/1/2000	Norfolk
91608268925	9/8/2000	Norfolk
91608268966	9/8/2000	Norfolk
91608269865	9/15/2000	Norfolk
91608272182	9/22/2000	Norfolk
91608270988	9/15/2000	Norfolk
91608272406	9/22/2000	Norfolk
91608272984	9/30/2000	Norfolk
91608273727	9/30/2000	Norfolk
91608273792	10/6/2000	Norfolk
91608277702	10/18/2000	Norfolk
91608278239	10/24/2000	Norfolk
91608275334	10/14/2000	Norfolk
91608277595	10/21/2000	Norfolk
91608279591	11/1/2000	Norfolk
91608279831	11/13/2000	Norfolk
91608282314	11/15/2000	Norfolk
91608285028	11/30/2000	Norfolk
91609979181	11/30/2000	Norfolk
91609981393	12/15/2000	Norfolk
91608289400	12/23/2000	Norfolk
91608290515	12/29/2000	Norfolk
91608293402	1/16/2001	Norfolk
91608299045	2/8/2001	Norfolk
91608299029	2/8/2001	Norfolk
91610450438	2/15/2001	Norfolk
91610453739	2/28/2001	Norfolk
91610453754	2/28/2001	Norfolk
91610461088	3/27/2001	Norfolk
91610465063	4/17/2001	Norfolk
91610467440	4/24/2001	Norfolk
91610468562	5/1/2001	Norfolk
91610474115	5/23/2001	Norfolk
91610474289	6/5/2001	Norfolk
91610478389	6/13/2001	Norfolk.

SEC. 4003. PROHIBITION ON COLLECTION OF CERTAIN PAYMENTS MADE UNDER THE CONTINUED DUMPING AND SUBSIDY OFFSET ACT OF 2000.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (c), neither the Secretary of Homeland Security nor any other person may require repayment of, or attempt in any other way to recoup, any payments described in subsection (b) in an attempt to offset any amount to be refunded pursuant to section 4001 or 4002.

(b) PAYMENTS DESCRIBED.—Payments described in this subsection are payments of antidumping duties made pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c; repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154))) that were assessed and paid on imports of goods covered by section 4001 or 4002 when the entries for those goods were originally liquidated.

(c) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payments described in subsection (b) as a result of a finding of false statements or other misconduct by a recipient of such a payment.

TITLE V—TECHNICAL CORRECTIONS

SEC. 5001. TECHNICAL CORRECTIONS.

(a) REACTIVE YELLOW 7459.—Heading 9902.02.46 is amended in the article description column to read as follows: ''Reactive Yellow 206 (1,3,6-Naphthalenetrisulfonic acid, 7,7'-[1,3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt) (CAS No. 143683–24–3) (provided for in subheading 3204.16.30)''.

(b) VINYLIDENE CHLORIDE-METHYL METHACRYLATE-ACRYLONITRILE COPOLYMER.—Heading 9902.23.09 is amended in the article description column by striking ''3904.90.50'' and inserting ''3904.50.00''.

(c) STAINLESS STEEL SINGLE-PIECE EXHAUST GAS MANIFOLDS.—Heading 9902.40.94 is amended in the article description column by striking ''9902.01.50'' and inserting ''8409.91.50''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICABILITY.—

(A) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to subparagraph (B), the entry of a good described in any heading of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (as amended by this title)—

(i) which was made on or after January 1, 2010, and before the 15th day after the date of the enactment of this Act, and

(ii) with respect to which there would have been no duty or a reduced duty (as the case may be) if the amendment or amendments made by this title applied to such entry,

shall be liquidated or reliquidated as though the entry had been made on the 15th day after the date of the enactment of this Act.

(B) REQUESTS.—A liquidation or reliquidation may be made under subparagraph (A) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(i) to locate the entry; or

(ii) to reconstruct the entry if it cannot be located.

(C) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of a good under subparagraph (A) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(D) DEFINITION.—As used in this paragraph, the term ''entry'' includes a withdrawal from warehouse for consumption.

SEC. 5002. ADDITIONAL TECHNICAL CORRECTION.

(a) BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.—Heading 9902.25.75 is amended by striking the article description and inserting the following: ''Biaxially oriented polypropylene film, certified by the importer as intended for metallization and use in capacitors, or certified by the importer as below 40 gauge (10.2 micrometers), not intended for metallization and intended for use in capacitors, all of the foregoing produced from solvent-washed low ash content (less than 50 ppm) polymer resin (CAS No. 9003–07–0) (provided for in subheading 3920.20.00)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

DIVISION C—OFFSETS

TITLE I—OFFSETS

SEC. 10001. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''September 30, 2019'' and inserting ''September 30, 2020''; and

(2) in subparagraph (B)(i), by striking ''September 30, 2019'' and inserting ''May 23, 2020''.

SEC. 10002. 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 4.5 percentage points.

SEC. 10003. COMPLIANCE WITH 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 gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

GENERAL LEAVE

Mr. LEVIN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

This is really a vital bill. I bring it to the floor in a bipartisan spirit to move and to make sure that all of the important pieces of this vital legislation, all of them, become law. This bill continues the essential trade adjustment assistance program that we expanded in 2009. Importantly, these reforms were authored on a bipartisan, bicameral basis by Mr. RANGEL and myself, Mr. CAMP, Senators BAUCUS and GRASSLEY. So let me say just a few words about TAA.

Since the reforms were implemented in 2009, more than 155,000 additional trade-impacted workers who might not have been certified under the former TAA program became eligible for TAA worker benefits and training opportunities. More than 155,000. In total, more than 367,000 workers were certified as eligible for TAA support in that timeframe.

In 2010 alone, and I also want to emphasize this number, 227,882 workers took advantage of TAA and participated in the program, receiving case management, training and/or income support. You know, I wish in a way 227,882 people could come here and line up from here. I'm not quite sure how far the line would extend. It would be a very long way. We have a solemn obligation to continue this expanded program.

This legislation also supports U.S. businesses that need inputs or components not produced here in the U.S. in order to manufacture, and I underline that, downstream products here in the United States of America.

Miscellaneous tariff bills like this one have been a part of U.S. policy for 27 years. But in recent years, we have made the process more transparent than ever before, and if I might, I want to pay tribute to all of those who have worked together here in the House and in the Senate in terms of the transparency of this process. Based on these improvements, the Sunlight Foundation has phrased the MTB as ''transparency done right.''

The last MTB was signed into law in August after passing the House by a bipartisan vote of 378–43. Taken together, according to one study, these two MTBs are expected to increase U.S. production by at least $4.6 billion over 3 years and to support 90,000 U.S. manufacturing jobs.

Next, the bill also includes an 18-month extension for two preference programs—GSP, the Generalized System of Preferences; and the Andean Trade Preference Act, ATPA—that are set to expire at the end of the year. That means in 2 weeks. Last year, this legislation was passed by voice vote.

Preferences are important tools in U.S. trade policy. They help developing nations capture the opportunities and meet the challenges of trade and globalization, while at the same time, and this is critical to emphasize, providing significant benefits here in the United States. For example, ATPA has helped develop an important market for U.S.-made textiles in the Andean region, while also helping those nations in their efforts to fight trade in narcotics. Also, the majority of U.S. imports, 75 percent using GSP, were imports used to sustain U.S. manufacturing, including raw materials, parts and components, machinery and equipment.

These programs have also, and again I want to emphasize, have been shaped to encourage broad-based economic development, with eligibility criteria regarding worker rights—we have worked on the worker rights provisions over the years—the rule of law, innovation and investment, and policies to fight corruption.

Madam Speaker, there has long been, because of the strength of these programs, bipartisan support for all of them. Each of them relates to U.S. jobs. Each of them relates to U.S. jobs, and it is crucial that we act to continue them today.

I reserve the balance of my time.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume, and then I will yield the balance of my time to the distinguished gentleman from Texas (Mr. BRADY), the ranking member of the Trade Subcommittee.

Madam Speaker, the national unemployment rate is 9.8 percent. The unemployment rate in my home State of Michigan is 12.8 percent. America is desperately in need of jobs, and American workers need Congress to focus on legislation that will help create jobs. This legislation is a solid step in that direction. I have often said that government can't create jobs; it is the private sector that creates jobs, and Congress can help the private sector by removing barriers to job creation.

This legislation lowers taxes and makes American manufacturers more competitive so they can invest and create the jobs that American workers need now. Therefore, it fits squarely within the core principles of the Republican Party. Republicans support lowering taxes, making American workers more competitive, liberalizing trade, and letting the private sector thrive and create jobs.

At the outset, this legislation extends our trade preference programs, especially the Andean Trade Preferences Act. I would rather see Congress vote on our trade agreement with Colombia, but for over 3 years, the Speaker has refused to permit a simple up-or-down vote on that agreement. The Speaker has refused to bring that agreement to the floor even though it would level the playing field for American workers and generate new exports and support American jobs.

Despite the lack of progress on that agreement, I strongly support the continuation of the ATPA program. This program is crucial to this country and to Colombia, and we cannot subject such a strong ally to the injury of letting the program expire on top of the insult of our inability to act on that trade agreement.

Furthermore, this legislation extends the bipartisan, bicameral 2009 Trade Adjustment Assistance law that is helping trade-affected workers, farmers, firms, and communities retool and compete in the 21st century. The 2009 law provided a more flexible, cost-effective and accountable regime focusing on retraining. It also recognized the important role of services in the U.S. economy by bringing service workers into the program. These improvements to the TAA program help workers by getting them more quickly off government support and back into good paying, private sector jobs.

Importantly, this legislation delays for a year and a half a controversial U.S. Labor Department final rule mandating that the States use exclusively State employment service employees to administer TAA-funded benefits and services. Unless this delay is enacted now, 27 States will no longer be allowed to use a mix of staff.

□ 1800

Similarly, without this delay, even the other States that elect to use only State ES staff would be adversely affected because they could not make different staffing choices in the future. In today's economy, it makes no sense to require States to make costly changes to successful programs that are helping workers find new jobs.

This delay is also important because it would help restore the 2009 bipartisan, bicameral compromise on this issue. In addition, this legislation removes barriers by lowering taxes on imported inputs that enable value-added, American manufacturing and supports U.S. jobs, inputs that aren't otherwise available in the United States. These provisions have been fully vetted through a bipartisan and transparent process. Finally, this legislation is fully paid for, which is crucial in this time of rapidly rising fiscal deficits. Madam Speaker, I am pleased that this legislation accomplishes all these goals and is a truly bipartisan product.

I want to thank my colleague from Michigan, Chairman LEVIN, for his close cooperation in preparing this legislation and bringing it to the floor today for a vote.

Madam Speaker, I hope the other body takes up this legislation quickly

and passes it. Several of these important programs expire at the end of the year, and there is no time to waste. Further delay would be harmful to American workers.

I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I now yield 3 minutes to the chair of the Subcommittee on Trade, the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Chairman LEVIN, and I want to thank Mr. BRADY, who is the ranking member on the Trade Subcommittee.

The mentioning of the Trade Adjustment Provisions and the Generalized System of Trade Preferences are both important. I think they have been covered by Mr. CAMP and Mr. LEVIN in their remarks. I want to talk just a minute about what I consider to be one of the most important features of this bill with respect to American jobs, and that is the miscellaneous tariff provisions contained in the bill.

These miscellaneous tariff provisions allow for U.S. companies to import items that cannot be obtained in this country to be used in the manufacturing process, thereby making U.S. manufacturing concerns more competitive in the world market and in being able to increase employment in our own country. This cannot be, I don't think, overstated or overestimated as to its importance; although, it might be a very small part of what we are trying to do in the whole area of trade.

I hope that we can move forward—even though I won't be here next year, I hope we can move forward on some trade agreements that are pending. This is an exciting time. It is a time for America to get back in the business, and this omnibus trade bill is a good start.

I want to applaud Mr. LEVIN and committee staff and thank them for all the help they have given to the Trade Subcommittee through the years.

The SPEAKER pro tempore (Mr. ALTMIRE). Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I want to join others in thanking Chairman TANNER, chairman of the Trade Subcommittee, for his leadership and service to our country and our economy through the years. He will be missed.

Mr. Speaker, our economy is struggling, and this Congress hasn't done enough to help promote the job creation we so desperately need. Congress needs a new playbook, and this legislation can be the first new play we run. The bipartisan legislation extends the Generalized System of Preferences and the Andean Trade Preferences Act and renews and establishes certain miscellaneous tariff reductions. In doing so, this bill lowers taxes on the products that American manufacturers need to be more competitive.

More competitive U.S. manufacturers means more jobs for American workers. America's farmers will benefit from this legislation as well, because it will help hold down the cost of fertilizers and pesticides. More importantly, American families will benefit from this legislation. In fact, American families will see double benefits. Not only will it help promote job creation, it will lower costs for consumers. At a time when so many families are struggling to get by, lower taxes on these products can help American families make ends meet.

Expert analysis has demonstrated how these provisions will support American jobs. For example, the miscellaneous tariffs legislation could support as many as 90,000 U.S. jobs. The Preferences program has been found to support 682,000 jobs and lower costs for consumers by $273 million. In today's difficult economic times, these are clearly policies the Congress should support.

Additionally, the extension of the ATPA program will provide critical support for our strongest ally in South America, Colombia. Right now, Colombia is suffering from terrible flooding and has declared a state of emergency. This natural disaster has badly damaged the Colombian economy, and Colombians cannot afford even a temporary lapse of this program.

I share the frustration of many of my colleagues that Congress has not taken up the U.S.-Colombia trade agreement, which would remove barriers to American sales to Colombia. America's farmers and ranchers are already losing exports as other countries implement trade agreements with Colombia ahead of us and gain a competitive advantage, and that's why this agreement has bipartisan support.

I urge supporters on both sides of the aisle to ensure that the ATPA program does not lapse so we can support our allies in Colombia while we continue our efforts to bring the trade agreement to the floor of Congress for a successful vote.

Also, this legislation continues to authorize the 2009 law updating and approving the Trade Adjustment Assistance program in various respects. Such improvements included allowing better and more successful training options to trade-impacted workers and providing trade adjustment benefits to service workers, given the importance of the service sector in America's economy. The 2009 law also helps ensure TAA program accountability and results by requiring data on the program's performance and its worker outcome. This will enable us to measure how the program is effective and where improvements are needed.

Significantly, this bill prevents the U.S. Department of Labor from forcing Texas and 26 other States to use only so-called State ''merit'' employees to provide Trade Adjustment Assistance-funded services. This Federal mandate went against the wishes of Congress and has unnecessarily distracted States from efficiently providing TAA services to trade-impacted workers. The bill delays the ill-advised Labor Department rule for the next year and a half, helping to ensure that the congressional intent behind the 2009 bipartisan TAA law is respected and that each State may continue to decide how best to provide high-quality TAA services to trade-impacted workers to get them retrained and back to work.

Mr. Speaker, I commend Chairman LEVIN and Ranking Member CAMP for working so hard to bring this legislation to the floor. This can be the first play out of a new bipartisan playbook that promotes trade as a means to grow the economy and create jobs. The playbook should also include seeking congressional passage of the three pending trade agreements in the first half of next year: a high-standard Trans-Pacific Partnership agreement by the U.S.-hosted APEC leaders' summit next November, an ambitious outcome to the WTO Doha talks next year, and other trade-opening initiatives.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HERGER) who has led the Trade Subcommittee in past years.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the balance of the time.

There was no objection.

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

Mr. LEVIN. It is now my privilege to yield 3 minutes to the distinguished member of the Ways and Means Committee from the State of Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I rise today in support of the Omnibus Trade Act of 2010.

Mr. Speaker, you know that when the AFL–CIO and the U.S. Chamber of Commerce are energetically in favor of the same bill, that's a pretty good day and probably a pretty good thing to do. This bill helps U.S. businesses. It reduces their costs with tariff reductions on things they need that aren't made here in the United States. Each one of these tariff reductions have been carefully vetted. They have been on the Web site. Anybody can see them. It has been a very transparent process, and it is good that we're able to get it done before we leave the Congress at this time.

It will create billions of dollars of economic activity and help kick-start the creation of jobs. This bill also helps struggling economies around the world—the Andes, the Caribbean, and others—by keeping our trade programs in place and stable for the next 18 months.

□ 1810

We can't let these programs lapse. They are too important to Americans

and also to our good partners worldwide with whom we want economic development, with whom we do better if they're doing better, and these programs are helpful to them. To cut them off is to leave them with no place to sell the goods they are making. In fact, I would like a longer extension, and I really think there needs to be a trade preference bill.

I hope, in the next Congress, Mr. BRADY and others on the other side will bring that forward. We had hoped to get it done this time, but we didn't get it done. We need to do it, and this is a good intermediate step.

Finally, we are keeping our Trade Adjustment Assistance program in place and are continuing to improve on it. This helps hundreds of thousands of workers every year, as you have heard, who are negatively impacted by trade. 227,000 workers have benefited from this in this year alone. They receive educational benefits and help in making the transition from an industry that has disappeared to one that is now expanding in the United States and will provide jobs. Our workers need to be mobile and retrained, and the Trade Adjustment Assistance helps get that done.

This bill costs almost nothing. It is fully paid for and will boost the economy. I urge all of my colleagues to vote for it.

Mr. HERGER. Mr. Speaker, I yield 1½ minutes to a member of the Ways and Means Committee and a member of the Trade Subcommittee, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of this omnibus trade package. I, along with my friend and colleague from Washington State (Mr. MCDERMOTT), urge all of my colleagues to support it.

I am particularly pleased that this bill extends trade preference programs. Preferences are a powerful developmental tool, and they can also be used to improve laws, environment and labor standards, and intellectual property rights protections. Developing nations, American workers, and businesses have benefited considerably when our preference program partnerships move to a permanent free trade agreement.

One country that has graduated from preferences is South Korea. It continues to be among the leading exporters to the United States. It is a great model of how a country can graduate from the preference partnership to a free trade agreement that levels the playing field for American workers—a free trade agreement that deserves broad support and swift passage in the next Congress.

As unemployment remains high, we must continue to knock down trade barriers for American goods and services—''sell American'' to customers all over the world—to protect and create jobs here at home.

I urge support for this package today.

Mr. LEVIN. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. MCDERMOTT).

The SPEAKER pro tempore. Without objection, the gentleman from Washington will control the time.

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 6517, the Omnibus Trade Act of 2010.

Shipping jobs overseas has become an industry unto itself. Jobs and people are displaced again and again. This is an attempt to try to respond to those workers who have lost jobs under the guise of free trade. Our first line of defense is fair trade that doesn't sacrifice the American workforce.

This is good bipartisan legislation. We haven't had too much of it, so we might not have noticed it.

I am pleased that the committee was able to work in a bipartisan fashion with the minority to extend these programs and provisions that help our workers and businesses compete in this global economy. It is particularly critical that we reauthorize the reforms Congress made to the Trade Adjustment Assistance program, or the TAA, which was passed as part of the Recovery Act in February of last year.

As the chairman pointed out, these reforms have been in place now for some time, and the program has helped hundreds of thousands of workers; 5,000 of those workers whose jobs were shipped overseas during this recession were in New Jersey. They received retraining, support for their incomes, and they were able to keep their health care. We expanded the program's eligibility, including the service sector and more manufacturing jobs; we increased training and health coverage benefits, and we streamlined the program, making it more flexible and efficient for workers to take advantage of.

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

Mr. MCDERMOTT. I yield the gentleman 1 additional minute.

Mr. PASCRELL. One of the most important reforms expands eligibility to all workers whose jobs have been moved overseas, not just for those jobs that were lost to our free trade partners. If we allow this provision to expire, workers whose jobs have been shipped to China or India could be ineligible for TAA benefits. They will be out of luck.

All in all, the Department of Labor estimates that, thanks to these reforms, an additional 155,000 trade-impacted workers were eligible for the TAA program. In New Jersey, almost 90 percent of the workers who received TAA benefits were eligible because of the reforms that we passed in February of 2009. We must continue to fight for those jobs. We must continue to keep American jobs here.

For those who get unavoidably left behind, providing them with the opportunity to get support and retraining at a place like Passaic County Community College, in my district, in Paterson, New Jersey, through the TAA Community College Grant program is the least we can do, Mr. Speaker, for our workers who have been hard hit in the last 10 years.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. I thank the gentleman for yielding.

I want to thank the chairman and ranking member of the committee for their work and the committee's work in bringing the Omnibus Trade Act of 2010 to the floor.

Mr. Speaker, this is an important piece of legislation. It really is about jobs, as you have already heard. At a time when the unemployment rate remains unacceptably high and is really stubborn in a lot of places across this country, this bill will help create jobs and retrain workers for new careers. We tend to forget that sometimes when we think of people losing jobs, of the long-term unemployed and the issues surrounding training for new opportunities.

In my home State of North Carolina, the manufacturers and, really, the manufacturers across the country are the ones which are going to really deliver our economic growth and our national recovery. This bill, as you have already heard, will really help in that regard.

First, it will help lower production costs by leveling the playing field with our international competitors, which is an important piece. You have heard how we do it. It is for those items they purchase that we don't have in this country. When we keep them from paying tariffs, it means that they are more competitive. It means we have more workers working, and people can substitute unemployment checks for paychecks.

As the former State Superintendent of Public Schools in North Carolina, I have always said that education is the key to the future. There is no better way to create jobs than to have a well-educated citizenry and educated workforce. I am pleased that this bill strongly supports job training and that it supports our community colleges to expand access to education for more trade-impacted workers.

□ 1820

While I strongly support this bill, I wish it had included a reauthorization of the cotton trust fund, which would have helped hundreds of workers in North Carolina, and I call on the House

and the Senate to reauthorize the cotton trust fund as soon as possible. Despite this omission, though, the Omnibus Trade Act of 2010 is a good, job-creating bill that will keep American workers competitive in this tough economy we find ourselves in.

I urge my colleagues to join me in supporting this legislation. I thank the gentleman for yielding.

Mr. Speaker, this bill is about jobs: good jobs in American manufacturing, good jobs for workers in export industries, and job training for those negatively impacted by trade. It adjusts tariffs to ensure our manufacturing businesses can compete in the world markets, and supports fair trade for American companies. At a time when the unemployment rate remains unacceptably high, this bill creates jobs and retrains workers for new careers.

Manufacturing is a leading sector of the economy in my State of North Carolina and will be important to the Nation's economy as a whole as we continue the recovery. Throughout this Congress I have been proud to support measures that strengthen our manufacturing industry. In order to grow our economy, we must have manufacturing jobs that allow many Americans the chance to earn good wages. By suspending or reducing duties on over 290 products that are used as inputs or components in domestically manufactured goods, this bill lowers production costs for our manufacturers and helps to level the playing field with our international competitors.

I am pleased that this bill provides assistance and training to workers adversely affected by trade. Trade Adjustment Assistance provides training and associated income support to individuals in need of new skills, modernizing our work force and helping workers find a place in today's economy. Recognizing the critical role that community colleges play, the 2009 TAA reforms provided grants to educational institutions to develop, offer and improve education and career training for workers eligible for TAA. H.R. 6517 expands this critical initiative and makes more workers eligible to participate. I have always believed education is the key to economic prosperity. My home State of North Carolina has seen many economic challenges over the years, but it is our solid commitment to education that has allowed our economy to adapt and attract new industries. As the former Superintendent of Public Schools, I've always said that education is the key to the future. There is no better way to create jobs than education.

While I strongly support this bill, I am disappointed that it reauthorizes the Wool Trust Fund, but not the Cotton Trust Fund. A reauthorization of the Cotton Trust Fund is important to hundreds of workers in North Carolina, and would have enhanced the positive jobs impact of the bill. I hope that Congress will continue to work to make this important grant and tariff relief program to strengthen the U.S. cotton industry.

Despite this omission, the Omnibus Trade Act of 2010 is a good, job-creating bill that extends expiring trade provisions, helps displaced workers acquire new skills in order to compete in our global economy, and supports U.S. manufacturing. I would like to thank Chairman LEVIN for all of his hard work to bring this bill to the floor. This legislation puts Americans to work, and I hope that my colleagues from both sides of the aisle will join me in supporting it.

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

Mr. Speaker, I rise today with renewed hope that our Nation's trade agenda may soon move forward. This legislation includes an extension of trade preference programs, which is important, but is no substitute for passing our pending market-opening agreements with Colombia, Panama, and Korea. Mr. Speaker, if we hope to remain the key player in the global marketplace, we must do all we can to strengthen our ties to important democratic allies. Passage of these agreements will boost economic growth and create U.S. jobs by tearing down trade barriers and significantly increasing our exports into these markets, while at the same time enhancing our national security by bringing greater stability to Asia and South America.

Take the U.S.-Colombia agreement, for example. Colombia is the largest market for U.S. agricultural exports in South America, which makes it an important market for my agriculturally rich northern California district. Yet, we have seen our agriculture exports to Colombia decline by 65 percent over the last 2 years because our products still face tariffs and other barriers, while agriculture products from Argentina and Brazil, two major competitors for America's farmers and ranchers, received duty-free access to the Colombian market. The reason for the disparity is simple: Argentina and Brazil have implemented a trade agreement with Colombia, while our Nation has not. This trend, of U.S. producers losing out to foreign competitors, will only get worse as the European Union and Canada are moving towards implementing their own agreements with Colombia.

Mr. Speaker, it is time for Congress to recognize that continued inaction is suppressing job creation for Americans out of work and denying our producers new opportunities to export. Congress should pass our pending trade agreements without further delays.

I urge the Congress and my colleagues to support this legislation.

Ms. SLAUGHTER. Mr. Speaker, I rise today in support of H.R. 6517, the Omnibus Trade Act of 2010. This bill includes provisions that are critical to our manufacturing base: specifically decreasing the cost of raw materials, extending Trade Adjustment Assistance to workers who have seen their jobs shipped overseas, and making an important technical fix to the Wool Trust Fund program.

Trade Adjustment Assistance is one of the most important lifelines for American workers who have lost their jobs due to international trade. The program helps train workers in new fields, and helps bridge the gap in health insurance benefits for workers and their families. In 2009, Congress made significant improvements by expanding eligibility for service sector workers, manufacturing and secondary workers, and by increasing training funding. The expansion also increased the Workers Health Coverage Tax Credit subsidy to minimize gaps in health insurance coverage for workers and their families. Since the overhaul more than 10,000 workers in New York alone have been certified to receive TAA benefits, and over 5,000 of these workers would not have received benefits had the extension not been in place. Across the country, TAA has helped more than 155,000 otherwise misplaced workers with the expansion since 2009.

Our vote today will extend the improvements made until June, 2012.

If we in Congress don't take action and instead let these improvements expire, we abandon workers who have already suffered from our tilted trade policies. It is imperative that we pass this legislation to ensure that America's workforce is able to adjust to changing economic environment and America can remain competitive in the global marketplace. H.R. 6517 also includes a technical fix to ensure that the Wool Trust Fund is funded at the level authorized in 2004 and 2008. This program provides payments to U.S. suit makers who have been left at a competitive disadvantage due to an inverted tariff—where the duty on the finished product is lower than the duty on the materials used to make the finished product. Without this fix, we are actually disincentivifzing suit makers to operate in the U.S. and that would be tragic for my district, which is home to Hickey-Freeman and 500 of the best suit makers in the world.

The workers at Hickey-Freeman know from experience that over the past 2 years, revenue for this program shrank considerably, resulting in cuts of up to 66 percent to payments made to U.S. companies. H.R. 6517 closes the funding shortfall ensuring that our domestic suit makers continue to manufacture in the U.S. and that they are able to compete on a level playing field.

I strongly support this legislation because it protects many of the manufacturing jobs we have now and provides funding to retrain American manufacturing workers for the jobs of tomorrow.

I encourage my colleagues to join me in supporting H.R. 6517.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 6517, 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.

REQUIRING REPORTS ON MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3860) to require reports on the management of Arlington National Cemetery.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3860

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

SECTION 1. REPORTS ON MANAGEMENT OF ARLINGTON NATIONAL CEMETERY.

(a) REPORT ON GRAVESITE DISCREPANCIES.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the committees of Congress specified in subsection (c) a report setting forth an accounting of the gravesites at Arlington National Cemetery, Virginia. The accounting shall—

(1) specify whether gravesite locations at Arlington National Cemetery are correctly identified, labeled, and occupied; and

(2) set forth a plan of action, including the resources required and a proposed schedule, to implement remedial actions to address deficiencies identified pursuant to the accounting.

(b) GAO REVIEW OF MANAGEMENT AND OVERSIGHT OF CONTRACTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in subsection (c) a report on the management and oversight of contracts at Arlington National Cemetery.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number, dollar amount, and duration of current contracts at Arlington National Cemetery over the simplified acquisition threshold.

(B) The number, dollar amount, and duration of current contracts for automation of burial operations at Arlington National Cemetery, including contracts relating to the Total Cemetery Management System (TCMS), the Geographic Information System (GIS), the Interment Scheduling System (ISS), the Interment Management System (IMS), and new or modified versions of the Burial Operations Support System (BOSS) of the Department of Veterans Affairs.

(C) An assessment of the management and oversight by the Executive Director of the Army National Cemeteries Program of the contracts covered by subparagraphs (A) and (B), including the use of and actions taken for that purpose by the Corps of Engineers and the National Capital Region Contracting Center of the Army Contracting Command.

(D) An assessment of the actions taken by the Executive Director of the Army National Cemeteries Program in response to the findings and recommendations of the Inspector General of the Army in the report entitled ''Report of Investigation and Special Inspection of Arlington National Cemetery Final Report (Case 10–04)'', dated June 9, 2010.

(E) An assessment of the implementation of the following:

(i) Army Directive 2010–04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010, including, without limitation, an evaluation of the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, and contracts, current organizational structure and manpower, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(ii) The recommendations and actions proposed by the Army National Cemeteries Advisory Commission with respect to Arlington National Cemetery.

(F) An assessment of the adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(G) An assessment of the feasibility and advisability of transferring jurisdiction of Arlington National Cemetery and the United States Soldiers' and Airmen's Home National Cemetery to the Department of Veterans Affairs, and an assessment of the feasibility and advisability of the sharing of jurisdiction of such facilities between the Department of Defense and the Department of Veterans Affairs.

(3) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this subsection, the term ''simplified acquisition threshold'' has the meaning provided that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) SPECIFIED COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Veterans' Affairs of the House of Representatives.

(d) REPORTS ON IMPLEMENTATION OF ARMY DIRECTIVE ON ARMY NATIONAL CEMETERIES PROGRAM.—

(1) IN GENERAL.—The Secretary of the Army shall submit to the appropriate committees of Congress reports on execution of and compliance with Army Directive 2010–04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010. Each such report shall include, for the preceding 270 days or year (as applicable), a description and assessment of the following:

(A) Execution of and compliance with every section of the Army Directive for Arlington National Cemetery, including, without limitation, an evaluation of the sufficiency of all contract management and oversight procedures, current and planned information and technology systems, applications, and contracts, current organizational structure and manpower, and compliance with and execution of all plans, reviews, studies, evaluations, and requirements specified in the Army Directive.

(B) The adequacy of current practices at Arlington National Cemetery to provide information, outreach, and support to families of those individuals buried at Arlington National Cemetery regarding procedures to detect and correct current errors in burials at Arlington National Cemetery.

(2) PERIOD AND FREQUENCY OF SUBMITTAL.—A report required by paragraph (1) shall be submitted not later than 270 days after the date of the enactment of this Act, and every year thereafter for the next 2 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. 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 this legislation.

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

There was no objection.

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

Mr. Speaker, the systemic and longstanding problems at Arlington National Cemetery have become well-known and are a national tragedy. Arlington National Cemetery is our most hallowed ground, the final resting place of many of our heroes. Every year, nearly 4 million people visit this cemetery. Because of the importance of Arlington to our national memory, the American people expect Arlington to be run reverently and meticulously, but as we all know now, this has not been the case.

Following a yearlong series of investigative reports published on Salon.com, the Army prompted an investigation regarding reports of unmarked, misidentified, or misplaced graves. The Army investigation identified a culture of inaction and inactivity, a failure to act and a failure to come to grips with the problems at Arlington. Unfortunately, these problems have been going on for years.

Recently, the Army opened a criminal investigation after eight urns of cremated remains were found in a grave marked ''unknown.'' Army Secretary John McHugh has taken many steps to correct the many failures at Arlington, and we applaud his efforts. The Committee on Veterans' Affairs has worked closely with our colleagues on the Armed Services Committee to get answers and find a way forward.

I agree with our esteemed chairman of the House Armed Services Committee, IKE SKELTON, who stated in a June hearing that, ''We must be prepared that a 100 percent survey of the cemetery and all of its operations, which I believe must now be undertaken, will yield a larger number of problems that must be addressed.''

A comprehensive survey may find that the burial errors at Arlington may number in the thousands, but in order to provide a concrete solution to this problem, we must first fully understand the scope.

The Senate has acted, passing S. 3860 on December 4 of this year. This measure requires reports to Congress on the management of Arlington National Cemetery, including grave site discrepancies, the management and oversight of contracts, and the implementation of recent Army directives. Passing S. 3860 is a first step but not the final answer.

In the waning days of this Congress, we have the opportunity to send to the President this important measure. We will continue to work closely with our colleagues in Armed Services, with the administration, and with our Senate colleagues in the months ahead to fix what is wrong at Arlington and to ensure that the operation of this national shrine honors the men and women who lie at rest there.

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

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

I rise in reluctant support of Senate bill 3860, as amended, which would require reports on the management of Arlington National Cemetery. The reason I say reluctant support is the Veterans' Affairs Committee itself, really

we didn't take up the issues on Arlington, and we allowed the Senate and the House Armed Services Committee to do their work, but the House Veterans' Affairs Committee, we did not do ours. And so this is very unfortunate that we're proceeding with this bill in a lame duck session when we have not even held hearings ourselves on this issue. So I cannot speak from firsthand, other than my conversations with the Secretary of the Army myself, but the committee did not hold hearings on this piece of legislation at all.

Since the founding of Arlington in June of 1864, the cemetery has been revered as the ''crown jewel'' of the national cemetery system. It is the final resting place of several American Presidents, Supreme Court justices, and over 300,000 veterans and their families. Like most Americans, I was deeply disturbed and appalled by revelations by the Department of Army Inspector General's report regarding the mismanagement and possible criminal behavior at Arlington.

I do want to praise Secretary of the Army John McHugh for his swift action in response to this report, also for his following up on the recommendations of Secretary Geren's request for the investigation. So, once again, I extend my compliments to my good friend, the Secretary of the Army, John McHugh.

□ 1830

Secretary McHugh has installed a new management team that is reaching out to the National Cemetery Administration at the VA for their help in implementing the needed changes to defend Arlington's reputation and ensure that the cemetery operations are conducted in a way that honors our warriors who have given so much in the defense of our Nation.

No family should ever have to wonder if their loved one is accounted for or buried in a proper location. They should assume that all has been done correctly. Our heroes and their families deserve the highest possible standards with regard to burial honors, and this bill seeks to prove this assurance.

This bill, as amended, requires several reports on the new management team's progress to improve Arlington's IT systems, the contracting practices, organizational structure, and report on the feasibility of transferring the operation of Arlington from the Department of the Army to the VA's National Cemetery Administration. While additional reports will be beneficial, I believe it is important to first allow the Army to complete its ongoing investigations of these same issues. Different studies on overlapping issues can provide unique insights; however, providing these simultaneous investigations, performed by different agencies, might also create unnecessary hindrances to the ongoing studies.

Also, with regard to the final provisions on the feasibility of transferring the operation of Arlington National Cemetery to the VA National Cemetery Administration, I want to offer my recommendation that Arlington National Cemetery remain under the jurisdiction of the United States Army. It is hasty to assume that we should immediately just transfer the jurisdiction. It is very important for us to define what, in fact, are the challenges and what are the problems. It is so much like an American: We hear a problem, and we want to run out and create a solution before we totally understand the scope of our challenge. So before we get the cart before the horse, let's not run out there and talk about, Let's immediately transfer.

Now I can assure you that when the Department of Interior was not doing their job, what I believe, correctly, I made a suggestion that we should transfer those cemeteries from the Department of Interior to the VA. I don't have a problem. You can make that a holder out there. You get people to do what they believe are the right things to do, and maybe that is what Senator MCCASKILL was attempting to do here. So I have to respect her in setting a benchmark to do that, and maybe that is, in fact, what her goal here is, to make sure that everybody does what they are supposed to do.

The VA does an excellent job of administering the National Cemetery Administration. However, ANC imposes a comprehensive array of issues and logistical arrangements that are completely unique and separate from those at the VA that they, in fact, handle. For example, in addition to coordinating approximately 25 military funerals per day, the Army's duties at Arlington, including the responsibility for the horse teams, for the caissons, and guarding the Tomb of the Unknowns, is truly unique. Certainly Arlington National Cemetery can benefit by emulating VA practices that are applicable, and such information sharing is, in fact, underway. But ultimately, Arlington National Cemetery, under the jurisdiction of the United States Army is where it should remain until we can achieve some answers.

I reserve the balance of my time.

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

We had thought that the distinguished gentleman from Missouri, the chairman of the Armed Services Committee, Mr. IKE SKELTON, would be here this evening. He is not. But I would like to say that this House, of course, honors his extraordinary service to his district, his State, the men and women of our armed services, and most importantly, of course, our Nation for 34 years. It has been a great experience to work with IKE SKELTON closely, as chairman of the Veterans' Affairs Committee, and to work with him for those who serve in active duty and those who have served and are now veterans.

President Truman, who is a hero to all of us and especially to IKE, stated that, ''It is amazing what you can accomplish if you do not care who gets the credit.'' IKE SKELTON has personified this wonderful saying, working tirelessly for the good of our country. He has done more than he will ever get credit for, and this House will be a poorer place without his presence.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, yielding myself such time as I may consume, I do associate myself with the gentleman's comments regarding Chairman SKELTON IKE not only being a very dear friend, but I really appreciate him stepping forward with these hearings.

With that, I yield 3 minutes to the gentleman from Virginia, Representative BOB GOODLATTE.

Mr. GOODLATTE. I thank the gentleman for yielding. I thank the gentleman from California for bringing this legislation forward, and I want to take the opportunity to commend the gentleman from Indiana for his leadership on the Veterans' Affairs Committee for a number of years now and for his service in the Congress. He came here at the same time I did, and I very much appreciate the great contributions he has made in those years.

I rise in support of this legislation which requires a detailed report to Congress on the gravesite discrepancies at Arlington National Cemetery, including information concerning burial operations and errors in burials. It is sad that we are even having to consider such legislation today, but unfortunately, it has become very apparent that it is absolutely necessary.

Recent news reports have revealed multiple instances of misplaced human remains at Arlington National Cemetery. These sickening stories are a national disgrace. Our Nation's veterans, in life and in death, deserve our utmost respect. They have engaged in one of the noblest forms of public service, defending this Nation. It is their tireless work that has made our country great, strong, and most importantly, free. These men and women have helped to liberate victims of oppression, spread democracy across the world, and preserve the freedoms our Nation was built upon. Our fallen heroes deserve our honor, our respect, and our appreciation. This critical legislation will go a long way in ensuring that it is always the case. It is a final ''thank you'' on behalf of a grateful Nation.

Mr. Speaker, it is very important that we get to the bottom of this matter, we correct this problem as quickly as possible and restore the respect that people need to have in such an important facility which carries such historic significance and the sacred remains of great men and women who have served our country.

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

I thank the gentleman, Mr. BOB GOODLATTE of Virginia, a classmate of mine, and I respect all he has been able to do on the Ag Committee.

I will yield now 3 minutes to another Virginian, Congressman ROBERT J. WITTMAN.

Mr. WITTMAN. Mr. Speaker, I rise today in strong support of S. 3860, a bill that would ensure greater accountability for the operations at Arlington National Cemetery.

I would first like to thank the gentleman from California, Chairman FILNER, for his leadership on this issue and bringing this bill to the floor to make sure that this issue is put out there in the forefront, and to the gentleman from Indiana, Ranking Member BUYER, who has done the same, who is passionate about making sure that we are doing the right thing and making the right decisions. I think the ranking member points out some great things we ought to remember, and that is, let's make sure we do a proper examination. Let's not be hasty in reaching judgments. Let's make sure that we are thoughtful about this and make sure we are holding people accountable and not too quickly getting to a point of transference but really getting at the root of the problem. So I appreciate the ranking member for his thoughtfulness on that.

Mr. Speaker, these are our Nation's heroes who have fought and have died to protect our country, and they deserve absolute dignity and honor. The mishandling of remains and gravesites at Arlington has demonstrated that there was a clear lack of accountability. After allegations of mismanagement surfaced in June, Army Secretary John McHugh rightly came forward to accept responsibility and immediately made changes to correct the system. And I want to applaud the Secretary for doing that. He has done great work in making sure that this issue gets addressed. I do believe that this legislation is necessary, though, as the next step to ensure accountability and to avoid these issues in the future.

□ 1840

S. 3860 would require the Secretary of the Army to submit a report to Congress accounting for all the gravesites at Arlington Cemetery within 1 year. And folks, this is a significant effort. There are 320,000 of our heroes buried at Arlington. There may be up to 6,600 gravesites in question. We owe it to the families, we owe it to those servicemembers to make sure that this issue is addressed.

This bill would require the Army to submit plans to remedy any errors found and make sure that those don't happen again in the future.

Under the bill, the Comptroller General would be required to report to Congress on efforts to change the management and oversight structure at Arlington National Cemetery, including contract management.

I am pleased that the legislation requires an assessment of the adequacy of current practices at Arlington, to provide information, outreach and support to the families of individuals buried at the cemetery as errors are detected and corrected. And we've seen some of those things happen here recently.

I just heard the other day of a family who was told that the remains of their loved one were, indeed, known and that they were confirmed. Unfortunately, a week later they were called and told that that was not the case. We need to make sure we get this right, and we need to make sure we keep in mind the effects on families who have loved ones and our Nation's heroes that are buried there.

The families deserve timely and accurate information about the location of their loved ones, and I want to make sure that that happens and happens in every case without ambiguity.

Arlington is the last resting place of so many of our Nation's heroes, those service men and women who are called upon and gave the ultimate sacrifice to this country and, folks, they deserve nothing less.

I urge my colleagues to support this bill.

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

What I would like to comment on now, Mr. Speaker, really deals with a problem in the House rules that I think needs to be corrected as we go into the next session of Congress. So with regard to jurisdiction, lines of jurisdiction with regard to committees and how bills are assigned through the Parliamentarian, at the direction of the Speaker, I sent a letter to the Speaker dated December 9, 2010.

This Senate bill that came to us, it appears that it invokes the jurisdiction also of the House Armed Services Committee. The Army personnel manage and operate Arlington National Cemetery, and the cemetery is under the jurisdiction of the United States Army. So Chairman SKELTON properly moved out and held his hearings in the House Armed Services Committee relative to Arlington. So I can begin to understand why the chairman of the Veterans' Affairs Committee then allowed the House Armed Services Committee to proceed.

Then when the Senate conducts their hearings, and they did so, the Senate Veterans' Affairs Committee passed their bill, and immediately they sent it to us in a lame duck session.

Now, you say, why wouldn't this bill also have either a joint referral or to the Armed Services Committee, or why did it only go to the House Veterans' Affairs Committee?

Well, you go to the House rules. So even though I sent the letter to Madam Speaker PELOSI saying, please invoke jurisdiction of the House Armed Services Committee, the response obviously was ''no'' because here we now are on the House floor doing this bill by a committee who had never done hearings on the bill.

The problem is in the House rules itself. When you turn to the House rules, I think this has got to be an error in the drafting of these rules. Rule X, 2 cites that cemeteries under the United States in which veterans of any war or conflict are or may be buried, whether in the United States, abroad, except cemeteries administered by the Secretary of the VA, it goes to the Veterans' Affairs Committee. This has to be corrected. So, hopefully, when you go into the next Congress, this rule gets corrected so that the cemeteries that are under the jurisdiction of the United States Army, such as the two, Old Soldiers Home and Arlington National Cemetery, that that legislation regarding that jurisdiction rests with the Armed Services Committee. The VA Committee, we have oversight; but with regard to this, it's a jurisdictional question, and it needs to be corrected.

And that's why you have two individuals here managing a bill on the floor that really the House Armed Services Committee, Mr. Speaker, should also be here. But I want all the Members to know that's why this is happening.

I suppose, yes, we can all be very upset with regard to the management and the markings of some of these graves; but those of us who have had the opportunity to go to Arlington and see the job in which the Old Guard perform, it is pretty extraordinary. I was last there on Monday of Thanksgiving week. I joined Lieutenant General John Kelly, his family and hundreds of his friends at the chapel at Fort Myer. We all left the chapel. We proceeded down the windy road, down the hill, led by the Army Band, a platoon of soldiers, horse-drawn caisson that carried the body of John's youngest son, Lieutenant Robert Kelly, killed in Afghanistan.

The wind was crisp. The sky was blue. The oak and maple trees were clutching onto their red, yellow, gold and light-green leaves. Others were slowly drifting to the ground. The sun shined brightly upon them all.

Each grave marker properly and perfectly aligned in columns, in rows and angles, each was offset by rich green grass signifying the etchings in our national book of remembrance. That's my firsthand account of having attended the funeral of Lieutenant Robert Kelly at his burial on Thanksgiving week. That has been replicated since that Monday of Thanksgiving week, and it has been no different than how the Old Guard pays their honor and respect to so many, and it goes back so far in time.

That rich heritage is what causes each one of us to rise when we get so concerned with regard to mismanagement of such a sacred ground.

With that, I'm going to ask all Members to support the legislation.

COMMITTEE ON VETERANS' AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 9, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, H232, The Capitol, Washington, DC.

DEAR MADAM SPEAKER, in reviewing S. 3860, as amended, a bill to require reports on the management of Arlington National Cemetery, it appears that the bill invokes authority under the jurisdiction of the House Committee on Armed Services.

Army personnel manage and operate Arlington National Cemetery and the cemetery is under the jurisdiction of the United States Army. Accordingly, as the Ranking Member of the Committee of jurisdiction, I request that an additional referral be made to House Committee on Armed Services to provide for its full consideration of this bill.

It is important that the Committee on Armed Services be permitted to weigh in on this legislation prior to further consideration, as that Committee has legislative and oversight jurisdiction over the Department of the Army, and held a hearing on management issues at Arlington National Cemetery on June 30, 2010.

Thank you for your consideration of this matter.

Sincerely,

STEVE BUYER,
Ranking Republican Member.

Mr. RUSH. Mr. Speaker, I rise today in support of S. 3860, A bill to require reports on the management of Arlington National Cemetery. This bill requires reports from the Department of the Army and the Government Accountability Office that will help restore the American people's faith in Arlington National Cemetery and, from this point forward, ensures that this sacred space continues to maintain the high level of service that is rightfully expected by the families of our servicemembers, both living and fallen.

Mr. Speaker, I have personally seen the pain and sorrow caused by cemetery errors.

As many of my colleagues are aware, Burr Oak cemetery, in my district, faced a similar situation like that which took place at Arlington.

I understand the sorrow created by this confusion. I have seen the anguish that family members suffered. It is something that I think no family should have to endure—especially the family members and loved ones of those who have paid the ultimate sacrifice to our country.

It is for this reason, Mr. Speaker, that I strongly support this legislation and encourage my colleagues on both sides of the aisle to do the same.

Mr. Speaker, I close with a reminder to my colleagues: the families of our fallen heroes have given so much. At the very least, we owe them the certainty that the gravesites they visit at Arlington National Cemetery are, indeed, the final resting place of their loved ones.

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

Mr. FILNER. Mr. Speaker, I have no further requests for time, I urge unanimous support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 3860.

The question was taken.

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

Mr. FILNER. 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.

POST–9/11 VETERANS EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3447) to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3447

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Post-9/11 Veterans Educational Assistance Improvements Act of 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.
Sec. 3. Statutory Pay-As-You-Go Act compliance.

TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

Sec. 101. Modification of entitlement to educational assistance.
Sec. 102. Amounts of assistance for programs of education leading to a degree pursued at public, nonpublic, and foreign institutions of higher learning.
Sec. 103. Amounts of assistance for programs of education leading to a degree pursued on active duty.
Sec. 104. Educational assistance for programs of education pursued on half-time basis or less.
Sec. 105. Educational assistance for programs of education other than programs of education leading to a degree.
Sec. 106. Determination of monthly housing stipend payments for academic years.
Sec. 107. Availability of assistance for licensure and certification tests.
Sec. 108. National tests.
Sec. 109. Continuation of entitlement to additional educational assistance for critical skills or specialty.
Sec. 110. Transfer of unused education benefits.
Sec. 111. Bar to duplication of certain educational assistance benefits.
Sec. 112. Technical amendments.

TITLE II—OTHER EDUCATIONAL ASSISTANCE MATTERS

Sec. 201. Extension of delimiting dates for use of educational assistance by primary caregivers of seriously injured veterans and members of the Armed Forces.
Sec. 202. Limitations on receipt of educational assistance under National Call to Service and other programs of educational assistance.
Sec. 203. Approval of courses.
Sec. 204. Reporting fees.
Sec. 205. Election for receipt of alternate subsistence allowance for certain veterans with service-connected disabilities undergoing training and rehabilitation.
Sec. 206. Modification of authority to make certain interval payments.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE.

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

TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

SEC. 101. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF DEFINITIONS ON ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—

(1) EXPANSION OF DEFINITION OF ACTIVE DUTY TO INCLUDE SERVICE IN NATIONAL GUARD FOR CERTAIN PURPOSES.—Paragraph (1) of section 3301 is amended by adding at the end the following new subparagraph:

''(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

''(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; or

''(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.''.

(2) EXPANSION OF DEFINITION OF ARMY ENTRY LEVEL AND SKILL TRAINING TO INCLUDE ONE STATION UNIT TRAINING.—Paragraph (2)(A) of such section is amended by inserting ''or One Station Unit Training'' before the period at the end.

(3) CLARIFICATION OF DEFINITION OF ENTRY LEVEL AND SKILL TRAINING FOR THE COAST GUARD.—Paragraph (2)(E) of such section is amended by inserting ''and Skill Training (or so-called 'A' School)'' before the period at the end.

(b) CLARIFICATION OF APPLICABILITY OF HONORABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND RELEASES FROM THE ARMED FORCES AS BASIS FOR ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section 3311(c)(4) is amended in the matter preceding subparagraph (A) by striking ''A discharge or release from active duty in the Armed Forces'' and inserting ''A discharge or release from active duty in the Armed Forces after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service''.

(c) EXCLUSION FROM PERIOD OF SERVICE ON ACTIVE DUTY OF PERIODS OF SERVICE IN CONNECTION WITH ATTENDANCE AT COAST GUARD ACADEMY.—Section 3311(d)(2) is amended by inserting ''or section 182 of title 14'' before the period at the end.

(d) EFFECTIVE DATES.—

(1) SERVICE IN NATIONAL GUARD AS ACTIVE DUTY.—The amendment made by subsection (a)(1) shall take effect on August 1, 2009, as if included in the enactment of chapter 33 of title 38, United States Code, pursuant to the Post-9/11 Veterans Educational Assistance Act of 2008 (title V of Public Law 110–252). However, no benefits otherwise payable by reason of such amendment for the period beginning on August 1, 2009, and ending on September 30, 2011, may be paid before October 1, 2011.

(2) ONE STATION UNIT TRAINING.—The amendment made by subsection (a)(2) shall take effect on the date of the enactment of this Act.

(3) ENTRY LEVEL AND SKILL TRAINING FOR THE COAST GUARD.—The amendment made by subsection (a)(3) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals entering service on or after that date.

(4) HONORABLE SERVICE REQUIREMENT.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to discharges and releases from the Armed Forces that occur on or after that date.

(5) SERVICE IN CONNECTION WITH ATTENDANCE AT COAST GUARD ACADEMY.—The amendment made by subsection (c) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals entering into agreements on service in the Coast Guard on or after that date.

SEC. 102. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT PUBLIC, NON-PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER LEARNING.

(a) AMOUNTS OF EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Section 3313(c) is amended—

(A) in the matter preceding paragraph (1), by inserting ''leading to a degree at an institution of higher learning (as that term is defined in section 3452(f))'' after ''program of education''; and

(B) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) An amount equal to the following:

''(i) In the case of a program of education pursued at a public institution of higher learning, the actual net cost for in-State tuition and fees assessed by the institution for the program of education after the application of—

''(I) any waiver of, or reduction in, tuition and fees; and

''(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees.

''(ii) In the case of a program of education pursued at a non-public or foreign institution of higher learning, the lesser of—

''(I) the actual net cost for tuition and fees assessed by the institution for the program of education after the application of—

''(aa) any waiver of, or reduction in, tuition and fees; and

''(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

''(II) the amount equal to—

''(aa) for the academic year beginning on August 1, 2011, $17,500; or

''(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT INSTITUTIONS OF HIGHER LEARNING ON MORE THAN HALF-TIME BASIS.—''.

(b) AMOUNTS OF MONTHLY STIPENDS.—Section 3313(c)(1)(B) is amended—

(1) by redesignating clause (ii) as clause (iv); and

(2) by striking clause (i) and inserting the following new clauses:

''(i) Except as provided in clauses (ii) and (iii), for each month an individual pursues a program of education on more than a half-time basis, a monthly housing stipend equal to the product of—

''(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher learning at which the individual is enrolled, multiplied by

''(II) the lesser of—

''(aa) 1.0; or

''(bb) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

''(ii) In the case of an individual pursuing a program of education at a foreign institution of higher learning on more than a half-time basis, for each month the individual pursues the program of education, a monthly housing stipend equal to the product of—

''(I) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5, multiplied by

''(II) the lesser of—

''(aa) 1.0; or

''(bb) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

''(iii) In the case of an individual pursuing a program of education solely through distance learning on more than a half-time basis, a monthly housing stipend equal to 50 percent of the amount payable under clause (ii) if the individual were otherwise entitled to a monthly housing stipend under that clause for pursuit of the program of education.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

(2) STIPEND FOR DISTANCE LEARNING ON MORE THAN HALF-TIME BASIS.—Clause (iii) of section 3313(c)(1)(B) of title 38, United States Code (as added by subsection (b)(2) of this section), shall take effect on October 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education as covered by such clause on or after that date.

SEC. 103. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED ON ACTIVE DUTY.

(a) IN GENERAL.—Section 3313(e) is amended—

(1) in paragraphs (1), by inserting ''leading to a degree'' after ''approved program of education'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''leading to a degree'' after ''program of education'';

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (iii), respectively;

(C) in the matter preceding clause (i), as redesignated by subparagraph (B) of this paragraph—

(i) by striking ''The amount'' and inserting ''The amounts''; and

(ii) by striking ''is the lesser of—'' and inserting ''are as follows:

''(A) Subject to subparagraph (C), an amount equal to the lesser of—'';

(D) by striking clause (i), as so redesignated, and inserting the following new clauses:

''(i) in the case of a program of education pursued at a public institution of higher learning, the actual net cost for in-State tuition and fees assessed by the institution for the program of education after the application of—

''(I) any waiver of, or reduction in, tuition and fees; and

''(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees;

''(ii) in the case of a program of education pursued at a non-public or foreign institution of higher learning, the lesser of—

''(I) the actual net cost for tuition and fees assessed by the institution for the program of education after the application of—

''(aa) any waiver of, or reduction in, tuition and fees; and

''(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

''(II) the amount equal to—

''(aa) for the academic year beginning on August 1, 2011, $17,500; or

''(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h); or''.

(E) by adding at the end the following new subparagraphs (B) and (C):

''(B) Subject to subparagraph (C), for the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(i) $1,000, multiplied by

''(ii) the fraction of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(C) In the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of section 3311(b), the amounts payable to the individual pursuant to subparagraphs (A)(i), (A)(ii), and (B) shall be the amounts otherwise determined pursuant to such subparagraphs multiplied by the same percentage applicable to the monthly amounts payable to the individual under paragraphs (2) through (7) of subsection (c).''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED ON ACTIVE DUTY ON MORE THAN HALF-TIME BASIS.—''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after such effective date.

(2) LUMP SUM FOR BOOKS AND OTHER EDUCATIONAL COSTS.—Subparagraph (B) of section 3313(e)(2) of title 38, United States Code (as added by subsection (a)(2)(E) of this section), shall take effect on October 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

SEC. 104. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.

(a) CLARIFICATION OF AVAILABILITY OF ASSISTANCE.—Section 3313(f) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ''whether a program of education pursued on active duty, a program of education leading to a degree, or a program of education other than a program of education leading to a degree''; and

(2) in paragraph (2), by inserting ''covered by this subsection'' after ''program of education'' in the matter preceding subparagraph (A).

(b) AMOUNT OF ASSISTANCE.—Clause (i) of paragraph (2)(A) of such section is amended to read as follows:

''(i) the actual net cost for in-State tuition and fees assessed by the institution of higher learning for the program of education after the application of—

''(I) any waiver of, or reduction in, tuition and fees; and

''(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

SEC. 105. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF EDUCATION OTHER THAN PROGRAMS OF EDUCATION LEADING TO A DEGREE.

(a) APPROVED PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—Subsection (b) of section 3313 is amended by striking ''is offered by an institution of higher learning (as that term is defined in section 3452(f)) and''.

(b) ASSISTANCE FOR PURSUIT OF PROGRAMS OF EDUCATION OTHER THAN PROGRAMS OF EDUCATION LEADING TO A DEGREE.—Such section is further amended—

(1) by striking subsection (h);

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

''(g) PROGRAMS OF EDUCATION OTHER THAN PROGRAMS OF EDUCATION LEADING TO A DEGREE.—

''(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education other than a program of education leading to a degree at an institution other than an institution of higher learning (as that term is defined in section 3452(f)).

''(2) PURSUIT ON HALF-TIME BASIS OR LESS.—The payment of educational assistance under this chapter for pursuit of a program of education otherwise described in paragraph (1) on a half-time basis or less is governed by subsection (f).

''(3) AMOUNT OF ASSISTANCE.—The amounts of educational assistance payable under this chapter to an individual entitled to educational assistance under this chapter who is pursuing an approved program of education covered by this subsection are as follows:

''(A) In the case of an individual enrolled in a program of education (other than a program described in subparagraphs (B) through (D)) in pursuit of a certificate or other non-college degree, the following:

''(i) Subject to clause (iv), an amount equal to the lesser of—

''(I) the actual net cost for in-State tuition and fees assessed by the institution concerned for the program of education after the application of—

''(aa) any waiver of, or reduction in, tuition and fees; and

''(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

''(II) the amount equal to—

''(aa) for the academic year beginning on August 1, 2011, $17,500; or

''(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

''(ii) Except in the case of an individual pursuing a program of education on a half-time or less basis and subject to clause (iv), a monthly housing stipend equal to the product—

''(I) of—

''(aa) in the case of an individual pursuing resident training, the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution at which the individual is enrolled; or

''(bb) in the case of an individual pursuing a program of education through distance learning, a monthly amount equal to 50 percent of the amount payable under item (aa), multiplied by

''(II) the lesser of—

''(aa) 1.0; or

''(bb) the number of course hours borne by the individual in pursuit of the program of education involved, divided by the minimum number of course hours required for full-time pursuit of such program of education, rounded to the nearest multiple of 10.

''(iii) Subject to clause (iv), a monthly stipend in an amount equal to $83 for each month (or pro rata amount for a partial month) of training pursued for books supplies, equipment, and other educational costs.

''(iv) In the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of section 3311(b), the amounts payable pursuant to clauses (i), (ii), and (iii) shall be the amounts otherwise determined pursuant to such clauses multiplied by the same percentage applicable to the monthly amounts payable to the individual under paragraphs (2) through (7) of subsection (c).

''(B) In the case of an individual pursuing a full-time program of apprenticeship or other on-job training, amounts as follows:

''(i) Subject to clauses (iii) and (iv), for each month the individual pursues the program of education, a monthly housing stipend equal to—

''(I) during the first six-month period of the program, the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the employer at which the individual pursues such program;

''(II) during the second six-month period of the program, 80 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I);

''(III) during the third six-month period of the program, 60 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I);

''(IV) during the fourth six-month period of such program, 40 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I); and

''(V) during any month after the first 24 months of such program, 20 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I).

''(ii) Subject to clauses (iii) and (iv), a monthly stipend in an amount equal to $83 for each month (or pro rata amount for each partial month) of training pursued for books supplies, equipment, and other educational costs.

''(iii) In the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of sections 3311(b), the amounts payable pursuant to clauses (i) and (ii) shall be the amounts otherwise determined pursuant to such clauses multiplied by the same percentage applicable to the monthly amounts payable to the individual under paragraphs (2) through (7) of subsection (c).

''(iv) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of monthly educational assistance allowance payable under clauses (i) and (iii) to the individual shall be limited to the same proportion of the applicable rate determined under this subparagraph as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

''(C) In the case of an individual enrolled in a program of education consisting of flight training (regardless of the institution providing such program of education), an amount equal to—

''(i) the lesser of—

''(I) the actual net cost for in-State tuition and fees assessed by the institution concerned for the program of education after the application of—

''(aa) any waiver of, or reduction in, tuition and fees; and

''(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

''(II) the amount equal to—

''(aa) for the academic year beginning on August 1, 2011, $10,000; or

''(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h), multiplied by—

''(ii) either—

''(I) in the case of an individual entitled to educational assistance by reason of paragraphs (1), (2), or (9) of section 3311(b), 100 percent; or

''(II) in the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under paragraphs (2) through (7) of subsection (c).

''(D) In the case of an individual enrolled in a program of education that is pursued exclusively by correspondence (regardless of the institution providing such program of education), an amount equal to—

''(i) the lesser of—

''(I) the actual net cost for tuition and fees assessed by the institution concerned for the program of education after the application of—

''(aa) any waiver of, or reduction in, tuition and fees; and

''(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees.

''(II) the amount equal to—

''(aa) for the academic year beginning on August 1, 2011, $8,500; or

''(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h), multiplied by—

''(ii) either—

''(I) in the case of an individual entitled to educational assistance by reason of paragraphs (1), (2), or (9) of section 3311(b), 100 percent; or

''(II) in the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under paragraphs (2) through (7) of subsection (c).

''(4) FREQUENCY OF PAYMENT.—

''(A) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amounts payable under paragraph (3)(A)(i) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(B) MONTHLY PAYMENTS.—Payment of the amounts payable under paragraphs (3)(A)(ii) and (3)(B)(i) for pursuit of a program of education shall be made on a monthly basis.

''(C) LUMP SUM PAYMENTS.—

''(i) Payment for the amount payable under paragraphs (3)(A)(iii) and (3)(B)(ii) shall be paid to the individual for the first month of each quarter, semester, or term, as applicable, of the program education pursued by the individual.

''(ii) Payment of the amount payable under paragraph (3)(C) for pursuit of a program of education shall be made upon receipt of certification for training completed by the individual and serviced by the training facility.

''(D) QUARTERLY PAYMENTS.—Payment of the amounts payable under paragraph (3)(D) for pursuit of a program of education shall be made quarterly on a pro rata basis for the lessons completed by the individual and serviced by the institution.

''(5) CHARGE AGAINST ENTITLEMENT FOR CERTIFICATE AND OTHER NON-COLLEGE DEGREE PROGRAMS.—

''(A) IN GENERAL.—In the case of amounts paid under paragraph (3)(A)(i) for pursuit of a program of education, the charge against entitlement to educational assistance under this chapter of the individual for whom such payment is made shall be one month for each of—

''(i) the amount so paid, divided by

''(ii) subject to subparagraph (B), the amount equal to one-twelfth of the amount applicable in the academic year in which the payment is made under paragraph (3)(A)(i)(II).

''(B) PRO RATA ADJUSTMENT BASED ON CERTAIN ELIGIBILITY.—If the amount otherwise payable with respect to an individual under paragraph (3)(A)(i) is subject to a percentage adjustment under paragraph (3)(A)(iv), the amount applicable with respect to the individual under subparagraph (A)(ii) shall be the amount otherwise determined pursuant to such subparagraph subject to a percentage adjustment equal to the percentage adjustment applicable with respect to the individual under paragraph (3)(A)(iv).''.

(c) PAYMENT OF AMOUNTS TO EDUCATIONAL INSTITUTIONS.—Subsection (h) of section 3313, as redesignated by subsection (b)(2) of this section, is amended by inserting '', and under subparagraphs (A)(i), (C), and (D) of subsection (g)(3),'' after ''(f)(2)(A)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

SEC. 106. DETERMINATION OF MONTHLY HOUSING STIPEND PAYMENTS FOR ACADEMIC YEARS.

(a) IN GENERAL.—Section 3313, as amended by this Act, is further amended by adding at the end the following new subsection:

''(i) DETERMINATION OF HOUSING STIPEND PAYMENTS FOR ACADEMIC YEARS.—Any monthly housing stipend payable under this section during the academic year beginning on August 1 of a calendar year shall be determined utilizing rates for basic allowances for housing payable under section 403 of title 37 in effect as of January 1 of such calendar year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2011.

SEC. 107. AVAILABILITY OF ASSISTANCE FOR LICENSURE AND CERTIFICATION TESTS.

(a) AVAILABILITY OF ASSISTANCE FOR ADDITIONAL TESTS.—Subsection (a) of section 3315 is amended by striking ''one licensing or certification test'' and inserting ''licensing or certification tests''.

(b) CHARGE AGAINST ENTITLEMENT FOR RECEIPT OF ASSISTANCE.—

(1) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

''(c) CHARGE AGAINST ENTITLEMENT.—The charge against an individual's entitlement under this chapter for payment for a licensing or certification test shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals—

''(1) for the academic year beginning on August 1, 2011, $1,460; or

''(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(3) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to licensure and certification tests taken on or after that date.

SEC. 108. NATIONAL TESTS.

(a) NATIONAL TESTS.—

(1) IN GENERAL.—Chapter 33 is amended by inserting after section 3315 the following new section:

''§ 3315A. National tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to educational assistance for the following:

''(1) A national test for admission to an institution of higher learning as described in the last sentence of section 3452(b).

''(2) A national test providing an opportunity for course credit at an institution of higher learning as so described.

''(b) AMOUNT.—The amount of educational assistance payable under this chapter for a test described in subsection (a) is the lesser of—

''(1) the fee charged for the test; or

''(2) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.

''(c) CHARGE AGAINST ENTITLEMENT.—The number of months of entitlement charged an individual under this chapter for a test described in subsection (a) shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals—

''(1) for the academic year beginning on August 1, 2011, $1,460; or

''(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 is amended by inserting after the item relating to section 3315 the following new item:

''3315A. National tests.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to national tests taken on or after that date.

SEC. 109. CONTINUATION OF ENTITLEMENT TO ADDITIONAL EDUCATIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALTY.

(a) IN GENERAL.—Section 3316 is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) CONTINUATION OF INCREASED EDUCATIONAL ASSISTANCE.—

''(1) IN GENERAL.—An individual who made an election to receive educational assistance under this chapter pursuant to section 5003(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 note) and who, at the time of the election, was entitled to increased educational assistance under section 3015(d) or section 16131(i) of title 10 shall remain entitled to increased educational assistance in the utilization of the individual's entitlement to educational assistance under this chapter.

''(2) RATE.—The monthly rate of increased educational assistance payable to an individual under paragraph (1) shall be—

''(A) the rate of educational assistance otherwise payable to the individual under section 3015(d) or section 16131(i) of title 10, as the case may be, had the individual not made the election described in paragraph (1), multiplied by

''(B) the lesser of—

''(i) 1.0; or

''(ii) the number of course hours borne by the individual in pursuit of the program of

education involved divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

''(3) FREQUENCY OF PAYMENT.—Payment of the amounts payable under paragraph (1) during pursuit of a program of education shall be made on a monthly basis.''.

(b) CLARIFICATION ON FUNDING OF INCREASED ASSISTANCE.—

(1) IN GENERAL.—Such section is further amended by inserting after subsection (c), as added by subsection (a)(2) of this section, the following new subsection:

''(d) FUNDING.—Payments for increased educational assistance under this section shall be made from the Department of Defense Education Benefits Fund under section 2006 of title 10 or from appropriations available to the Department of Homeland Security for that purpose, as applicable.''.

(2) CONFORMING AMENDMENTS.—Section 2006(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting ''or 33'' after ''chapter 30''; and

(B) in paragraph (2), by adding at the end the following new subparagraph:

''(E) The present value of any future benefits payable from the Fund for amounts attributable to increased amounts of educational assistance authorized by section 3316 of title 38.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 110. TRANSFER OF UNUSED EDUCATION BENEFITS.

(a) AVAILABILITY OF TRANSFER AUTHORITY FOR MEMBERS OF PHS AND NOAA.—Section 3319 is amended—

(1) by striking ''Armed Forces'' each place it appears (other than in subsection (a)) and inserting ''uniformed services''; and

(2) by striking subsection (k).

(b) SCOPE AND EXERCISE OF AUTHORITY.—Subsection (a) of such section is amended—

(1) by striking ''Subject to the provisions of this section,'' and all that follows through ''to permit'' and inserting ''(1) Subject to the provisions of this section, the Secretary concerned may permit''; and

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

''(2) The purpose of the authority in paragraph (1) is to promote recruitment and retention in the uniformed services. The Secretary concerned may exercise the authority for that purpose when authorized by the Secretary of Defense in the national security interests of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 111. BAR TO DUPLICATION OF CERTAIN EDUCATIONAL ASSISTANCE BENEFITS.

(a) BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—Section 3322 is amended by adding at the end the following new subsection:

''(e) BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—An individual entitled to educational assistance under both sections 3311(b)(9) and 3319 may not receive assistance under both provisions concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which provision to receive educational assistance.''.

(b) BAR TO RECEIPT OF COMPENSATION AND PENSION AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

''(f) BAR TO RECEIPT OF COMPENSATION AND PENSION AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—The commencement of a program of education under section 3311(b)(9) shall be a bar to the following:

''(1) Subsequent payments of dependency and indemnity compensation or pension based on the death of a parent to an eligible person over the age of 18 years by reason of pursuing a course in an educational institution.

''(2) Increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person, whether eligibility is based upon the death of the parent.''.

(c) BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS.—Such section is further amended by adding at the end the following new subsection:

''(g) BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS.—A spouse or child who is entitled to educational assistance under this chapter based on a transfer of entitlement from more than one individual under section 3319 may not receive assistance based on transfers from more than one such individual concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which source to utilize such assistance at any one time.''.

(d) BAR TO DUPLICATION OF ELIGIBILITY BASED ON A SINGLE EVENT.—Such section is further amended by adding at the end the following new subsection:

''(h) BAR TO DUPLICATION OF ELIGIBILITY BASED ON A SINGLE EVENT OR PERIOD OF SERVICE.—

''(1) ACTIVE-DUTY SERVICE.—An individual with qualifying service in the Armed Forces that establishes eligibility on the part of such individual for educational assistance under this chapter, chapter 30 or 32 of this title, and chapter 1606 or 1607 of title 10, shall elect (in such form and manner as the Secretary may prescribe) under which authority such service is to be credited.

''(2) ELIGIBILITY FOR EDUCATIONAL ASSISTANCE BASED ON PARENT'S SERVICE.—A child of a member of the Armed Forces who, on or after September 11, 2001, dies in the line of duty while serving on active duty, who is eligible for educational assistance under either section 3311(b)(9) or chapter 35 of this title based on the parent's death may not receive such assistance under both this chapter and chapter 35 of this title, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter to receive such assistance.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 112. TECHNICAL AMENDMENTS.

(a) SECTION 3313.—Section 3313 is amended—

(1) by striking ''higher education'' each place it appears and inserting ''higher learning''; and

(2) in clause (iii) of subparagraph (A) of subsection (e)(2), as redesignated by section 103(a)(2) of this Act, by adding a period at the end.

(b) SECTION 3319.—Section 3319(b)(2) is amended by striking ''to section (k)'' and inserting ''to subsection (j)''.

(c) SECTION 3323.—Section 3323(a) is amended by striking ''section 3034(a)(1)'' and inserting ''sections 3034(a)(1) and 3680(c)''.

TITLE II—OTHER EDUCATIONAL ASSISTANCE MATTERS

SEC. 201. EXTENSION OF DELIMITING DATES FOR USE OF EDUCATIONAL ASSISTANCE BY PRIMARY CAREGIVERS OF SERIOUSLY INJURED VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE.—Subsection (d) of section 3031 is amended to read as follows:

''(d)(1) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because of a physical or mental disability which is not the result of the individual's own willful misconduct, such 10-year period—

''(A) shall not run during the period the individual is so prevented from pursuing such program; and

''(B) shall again begin running on the first day after the individual's recovery from such disability on which it is reasonably feasible, as determined under regulations prescribed by the Secretary, for the individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

''(2)(A) Subject to subparagraph (B), in the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section by reason of acting as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a) of this title, such 10-year period—

''(i) shall not run during the period the individual is so prevented from pursuing such program; and

''(ii) shall again begin running on the first day after the date of the recovery of the veteran or member from the injury, or the date on which the individual ceases to be the primary provider of personal care services for the veteran or member, whichever is earlier, on which it is reasonably feasible, as so determined, for the individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

''(B) Subparagraph (A) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title.''.

(b) CERTAIN TRANSFEREES OF POST-9/11 EDUCATIONAL ASSISTANCE.—Paragraph (5) of section 3319(h) is amended to read as follows:

''(5) LIMITATION ON AGE OF USE BY CHILD TRANSFEREES.—

''(A) IN GENERAL.—A child to whom entitlement is transferred under this section may use the benefits transferred without regard to the 15-year delimiting date specified in section 3321, but may not, except as provided in subparagraph (B), use any benefits so transferred after attaining the age of 26 years.

''(B) PRIMARY CAREGIVERS OF SERIOUSLY INJURED MEMBERS OF THE ARMED FORCES AND VETERANS.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of a child who, before attaining the age of 26 years, is prevented from pursuing a chosen program of education by reason of acting as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a), the child may use the benefits beginning on the date specified in clause (iii) for a period whose length is specified in clause (iv).

''(ii) INAPPLICABILITY FOR REVOCATION.—Clause (i) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D).

''(iii) DATE FOR COMMENCEMENT OF USE.—The date specified in this clause for the beginning of the use of benefits by a child under clause (i) is the later of—

''(I) the date on which the child ceases acting as the primary provider of personal care services for the veteran or member concerned as described in clause (i);

''(II) the date on which it is reasonably feasible, as determined under regulations prescribed by the Secretary, for the child to initiate or resume the use of benefits; or

''(III) the date on which the child attains the age of 26 years.

''(iv) LENGTH OF USE.—The length of the period specified in this clause for the use of benefits by a child under clause (i) is the length equal to the length of the period that—

''(I) begins on the date on which the child begins acting as the primary provider of personal care services for the veteran or member concerned as described in clause (i); and

''(II) ends on the later of—

''(aa) the date on which the child ceases acting as the primary provider of personal care services for the veteran or member as described in clause (i); or

''(bb) the date on which it is reasonably feasible, as so determined, for the child to initiate or resume the use of benefits.''.

(c) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Subsection (c) of section 3512 is amended to read as follows:

''(c)(1) Notwithstanding subsection (a) and subject to paragraph (2), an eligible person may be afforded educational assistance beyond the age limitation applicable to the person under such subsection if—

''(A) the person suspends pursuit of such person's program of education after having enrolled in such program within the time period applicable to such person under such subsection;

''(B) the person is unable to complete such program after the period of suspension and before attaining the age limitation applicable to the person under such subsection; and

''(C) the Secretary finds that the suspension was due to either of the following:

''(i) The actions of the person as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a) of this title.

''(ii) Conditions otherwise beyond the control of the person.

''(2) Paragraph (1) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title.

''(3) Educational assistance may not be afforded a person under paragraph (1) after the earlier of—

''(A) the age limitation applicable to the person under subsection (a), plus a period of time equal to the period the person was required to suspend pursuit of the person's program of education as described in paragraph (1); or

''(B) the date of the person's thirty-first birthday.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to preventions and suspension of pursuit of programs of education that commence on or after that date.

SEC. 202. LIMITATIONS ON RECEIPT OF EDUCATIONAL ASSISTANCE UNDER NATIONAL CALL TO SERVICE AND OTHER PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) BAR TO DUPLICATION OF EDUCATIONAL ASSISTANCE BENEFITS.—Section 3322(a) is amended by inserting ''or section 510'' after ''or 1607''.

(b) LIMITATION ON CONCURRENT RECEIPT OF EDUCATIONAL ASSISTANCE.—Section 3681(b)(2) is amended by inserting ''and section 510'' after ''and 107''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 203. APPROVAL OF COURSES.

(a) CONSTRUCTIVE APPROVAL OF CERTAIN COURSES.—

(1) IN GENERAL.—Section 3672(b) is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) Subject to sections 3675(b)(1) and (b)(2), 3680A, 3684, and 3696 of this title, the following programs are deemed to be approved for purposes of this chapter:

''(i) An accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that is accredited by an agency or association recognized for that purpose by the Secretary of Education.

''(ii) A flight training course approved by the Federal Aviation Administration that is offered by a certified pilot school that possesses a valid Federal Aviation Administration pilot school certificate.

''(iii) An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act'; 29 U.S.C. 50 et seq.).

''(iv) A program leading to a secondary school diploma offered by a secondary school approved in the State in which it is operating.

''(B) A licensure test offered by a Federal, State, or local government is deemed to be approved for purposes of this chapter.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (3) of section 3034(d) is amended to read as follows:

''(3) the flight school courses are approved by the Federal Aviation Administration and are offered by a certified pilot school that possesses a valid Federal Aviation Administration pilot school certificate.''.

(B) Section 3671(b)(2) is amended by striking ''In the case'' and inserting ''Except as otherwise provided in this chapter, in the case''.

(C) Section 3689(a)(1) is amended by inserting after ''unless'' the following: ''the test is deemed approved by section 3672(b)(2)(B) of this title or''.

(b) USE OF STATE APPROVING AGENCIES FOR COMPLIANCE AND OVERSIGHT ACTIVITIES.—Section 3673 is amended by adding at the end the following new subsection:

''(d) USE OF STATE APPROVING AGENCIES FOR COMPLIANCE AND OVERSIGHT ACTIVITIES.—The Secretary may utilize the services of a State approving agency for such compliance and oversight purposes as the Secretary considers appropriate without regard to whether the Secretary or the agency approved the courses offered in the State concerned.''.

(c) APPROVAL OF ACCREDITED COURSES.—

(1) IN GENERAL.—Subsection (a)(1) of section 3675 is amended by striking ''A State approving agency may approve the courses offered by an educational institution'' and inserting ''The Secretary or a State approving agency may approve accredited programs (including non-degree accredited programs) offered by proprietary for-profit educational institutions''.

(2) CONDITION OF APPROVAL.—Subsection (b) of such section is amended—

(A) in the matter preceding paragraph (1), by inserting ''the Secretary or'' after ''this section,''; and

(B) is amended by inserting ''the Secretary or'' after ''as prescribed by''.

(d) DISAPPROVAL OF COURSES.—Section 3679(a) is amended by inserting ''the Secretary or'' after ''disapproved by'' both places it appears.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011.

SEC. 204. REPORTING FEES.

(a) INCREASE IN AMOUNT OF FEES.—Section 3684(c) is amended—

(1) by striking ''multiplying $7'' and inserting ''multiplying $12''; and

(2) by striking ''or $11'' and inserting ''or $15''.

(b) USE OF FEES PAID.—Such section is further amended by inserting after the fourth sentence the following new sentence: ''Any reporting fee paid an educational institution or joint apprenticeship training committee after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 shall be utilized by such institution or committee solely for the making of certifications required under this chapter or chapter 31, 34, or 35 of this title or for otherwise supporting programs for veterans.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 205. ELECTION FOR RECEIPT OF ALTERNATE SUBSISTENCE ALLOWANCE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES UNDERGOING TRAINING AND REHABILITATION.

(a) ELECTION AUTHORIZED.—Section 3108(b) is amended by adding at the end the following new paragraph:

''(4) A veteran entitled to a subsistence allowance under this chapter and educational assistance under chapter 33 of this title may elect to receive payment from the Secretary in lieu of an amount otherwise determined by the Secretary under this subsection in an amount equal to the applicable monthly amount of basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution providing rehabilitation program concerned.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on August 1, 2011.

SEC. 206. MODIFICATION OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

(a) IN GENERAL.—The flush matter following clause (3)(B) of section 3680(a) is amended by striking ''of this subsection—'' and all that follows and inserting ''of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on August 1, 2011.

The SPEAKER pro tempore (Mrs. HALVORSON). Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend and include extraneous material on S. 3447.

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

There was no objection.

□ 1850

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

I want to thank Senator AKAKA, chairman of the Senate Veterans' Affairs Committee, for introducing this bill, also known as the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. And I want to thank my colleague, Representative WALT MINNICK of Idaho, for his advocacy on behalf of our Nation's veterans and for introducing a similar bill in the House of Representatives.

My colleagues may recall that we successfully passed the Post-9/11 Veterans Educational Assistance Act of 2008 to help pay the full cost of tuition at 4-year colleges for veterans who served after September 11, 2001. This new entitlement has provided thousands of veterans with funds to pay for tuition and fees, a monthly housing allowance, and a $1,000 book stipend. While this has proven to be a significant step to improve existing educational benefits for our veterans, much work remains to be done.

This bill is fully paid for, bipartisan, and seeks to rectify many of the ongoing technical concerns that were highlighted after the passage of the Post-9/11 GI bill while expanding benefits to veterans that were originally excluded from participating in this new benefit.

Current law prohibits certain individuals in the Reserve and National Guard from obtaining veterans education benefits under the Post-9/11 bill. This legislation seeks to address this inequity by allowing qualified individuals in our Reserve and National Guard to receive benefits under the Post-9/11 GI bill. The legislation would also provide veterans with a housing stipend while taking courses strictly through long distance learning, a key issue which many of us have spoken on. In addition to expanding the housing stipend, student veterans will also have the ability to use their educational benefits to pay for national tests, licensure, and certification tests.

Furthermore, this bill would address a major shortfall expressed by the veterans' community by those who would prefer to attend a non-college degree program that would meet their professional goals. This bill seeks to expand on the eligible programs of education to include apprenticeship and on-the-job training, in addition to flight training and non-college degree programs of education.

Finally, this bill seeks to recognize the family's role of caring for an injured veteran by extending the period that a family member can use his or her education benefits. Providing more time for a caregiver to pursue their educational goals is the least we can do for those who have taken on the responsibility to care for an injured loved one.

I would like to thank our Speaker, Ms. PELOSI, for her leadership and dedication to America's veterans. It is only fitting to note that enhancing veterans education benefits was a major focus when Democrats took control of the House 4 years ago, and remains a final priority here in the final hours of the 111th Congress. Certainly, we look forward to continuing this advocacy in the next Congress.

AMVETS
NATIONAL HEADQUARTERS,
Lanham, MD, December 14, 2010.

Hon. Chairman BOB FILNER,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN BOB FILNER: On behalf of AMVETS (American Veterans), I am writing to express our support of S. 3447, the ''Post 9/11 Veterans Educational Assistance Improvement Act of 2010.''

AMVETS believes this piece of legislation to play a vital role in correcting numerous shortfalls of the current Post 9/11 GI Bill program. AMVETS believes that this piece of legislation only stands to better the educational opportunities afforded to all veterans, servicemembers, National Guard and Reserve. Furthermore, AMVETS believes that this piece of legislation will provide, much overdue, clarity and understanding to our veterans, servicemembers and the schools seeking to offer them an education and the exact funds available to all of the parties involved. For these reasons, AMVETS extends their support to S. 3447, the ''Post 9/11 Veterans Educational Assistance Improvement Act of 2010.''

Sincerely,

CHRISTINA M. ROOF,
National Deputy Legislative Director.

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, December 14, 2010.

Hon. BOB FILNER,
Chairman, House Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to urge your support for final passage of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, as passed by the Senate on 13 December.

S. 3447 takes the best GI Bill Since World War II to a new level of excellence, transparency and efficiency for veterans, college administrators and the Department of Veterans Affairs. The bill simplifies the complex and confusing payment system, reduces costs in key areas, eliminates glaring inequities, and enhances the opportunity for our veterans to successfully reintegrate in society after serving their nation.

We are particularly pleased that top MOAA priorities in S. 3447 would:

Permit full-time National Guard members on Title 32 orders to earn the benefit for their service;

Open vocational, apprenticeship, OJT and other job training—the Post-9/11 GI Bill is the only GI Bill program since WWII that excludes job training;

Simplify the payment system for public college attendance and set a national baseline for private college enrollment;

Permit USPHS and NOAA Corps service women and men to transfer their benefits to family members, if requested by their Department's respective Secretaries with the approval of the Secretary of Defense;

Authorize a book stipend (up to $1000 annually) for active duty participants;

Establish a housing allowance for veterans enrolled in full-time online study;

Raise the cost-of-living stipend for wounded warriors eligible for Vocational Rehabilitation and Employment benefits

The CBO has reported that the bill will save $734 million over 10 years. More importantly, S. 3447 will help our veterans gain the skills and training they need to compete in a very difficult economic climate. This legislation will reduce the need for future costly intervention programs for under- and unemployed veterans, making it a wise investment for our country.

On behalf of our entire membership, I would respectfully recommend your personal support for final passage this week of S. 3447.

Thank you for your leadership and support for our nation's uniformed servicemembers, their families and our veterans.

Sincerely,

NORBERT R. RYAN, Jr.
President.

IRAQ AND AFGHANISTAN VETERANS OF AMERICA,
Washington, DC, December 14, 2010.

Hon. BOB FILNER,
Cannon House Office Building,
Washington, DC.

Hon. STEVE BUYER,
Cannon House Office Building,
Washington, DC.

DEAR CHAIRMAN FILNER AND RANKING MEMBER BUYER: Iraq and Afghanistan Veterans of America (IAVA) offers our strong support for S. 3447, commonly referred to as the New GI Bill 2.0. Our work on the New GI Bill is not done. The New GI Bill is a historic commitment to this generation of veterans that has enabled over 300,000 student veterans to attend school. However, tens of thousands of young veterans are unable to take advantage of these new GI Bill benefits because confusing regulations and holes in the original legislation. To ensure every veteran has access to a first class future, IAVA recommends swift passage of S. 3447.

New GI Bill 2.0 finishes the Post 9/11 GI Bill and includes:

Vocational Training: Invaluable job training for students studying at vocational schools.

Title 32 AGR: Grant National Guardsmen responding to national disasters full GI Bill credit.

Distance Learners: Provide living allowances for veterans in distance learning programs.

Tuition/Fees: Expand and simplify the Yellow Ribbon Program.

Active Duty: Include a book stipend for active duty students.

New GI Bill 2.0 will help student veterans like Charles Conrad who returned home to a tough economy and enrolled in a vocational school to help prepare him for a meaningful career only to find out that his vocational school was not covered by the new GI Bill and SPC Weaver a Purple Heart recipient whose vertigo is so bad he can't sit in a

classroom for an entire period and therefore does not qualify for a living allowance because he has to take classes online. This legislation will also help the tens of thousands of National Guard troops who were activated to clean up the oil spill in the Gulf and have not received credit toward the GI Bill for their service.

We are proud to offer our assistance on this vital piece of legislation. If we can be of help please feel free to contact Tim Embree.

Sincerely,

PAUL RIECKHOFF,
Executive Director.

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES,
Washington, DC, December 14, 2010.

Hon. ROBERT FILNER,
House Committtee on Veterans' Affairs, Chairman, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN FILNER: NGAUS strongly supports the cost neutral S. 3447, The Post-9/11 Veterans Educational Assistance Improvements Act of 2010, which unanimously passed the Senate on December 13, 2010. It is our understanding that S. 3447 will be placed on the House suspension calendar this week in order that it may be considered this session.

When Congress hurriedly enacted the educational assistance for members of the Armed Forces who serve after September 11, 2001, commonly known as the Post 9/11 GI Bill, it mistakenly excluded Title 32 active duty service from qualifying for benefits under this program, and limited benefits for vocational learning, on-the-job training, and distance learning that is so vital to geographically isolated members for the National Guard.

S. 3447 would fully credit all National Guard Title 32 AGR duty and service under Title 32 section 502(f) in response to a national emergency declared by the President. The bill would also provide expanded benefits for vocational learning, apprenticeships, on-the-job training, and provide a living allowance for full-time distance learners. Of critical importance is the fact that the Congressional Budget Office has rated the bill to be cost neutral.

NGAUS strongly supports approval of a motion to suspend the rules for S. 3447 in the House to correct this inequity and properly credit our members of the National Guard for their service to our country. The sooner this corrective legislation may be passed, the sooner our members and veterans will be able to improve their skills in a difficult economy.

Our men and women who bravely serve and have served our nation richly deserve the recognition that S. 3447 would provide. Thank you for this opportunity to express our support.

Sincerely,

GUS HARGETT,
Major General, (Ret), President.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, December 14, 2010.

Hon. BOB FILNER,
Chairman, House Veterans' Affairs Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The National Association for Uniformed Services (NAUS) strongly supports passage of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act. The bill brings critical upgrades and welcome expansion of the extraordinary and historic Post 9/11 GI Bill.

As approved in the Senate earlier this week, the Post-9/11 Veterans Educational Assistance Improvements Act makes a number of modifications to the education assistance legislation. Not only does it open educational opportunities for National Guard and Reserve members called to active duty, it would simplify the bill making it less complex, and expand the program to include on-the-job and vocational training opportunity for veterans interested in developing a career in skilled trades.

NAUS urges speedy action to complement, upgrade and improve the historic action previously taken under your leadership to approve the Post-9/11 GI Bill. Our membership endorses this legislation, and we urge your colleagues to support the course of action you propose. For those men and women who have honorably served in the Uniformed Services, it is the right thing to do.

Sincerely,

RICHARD A. JONES,
Legislative Director.

THE AMERICAN LEGION,
Washington, DC, December 14, 2010.

Hon. STEPHANIE HERSETH SANDLIN,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HERSETH SANDLIN: On behalf of the 2.4 million members of The American Legion, I am expressing our support for S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, legislation which expands and improves upon the Post 9/11 G.I. Bill. Most importantly, the new measure expands the Post 9/11 G.I. Bill beyond covering college courses by allowing veterans to use the more generous benefits of this program to cover vocational and technical education at non-degree granting institutions. This will help more veterans get the skills they need to get back in the work force quickly and help get our economy back on track.

The act also expands eligibility for the new G.I. Bill to certain members of the National Guard and Reserve forces activated under Title 32 for domestic emergencies or homeland security missions, or who serve full-time under the Active Guard and Reserve (AGR) program and who were inadvertently left out of the original legislation passed in June 2009. Last year, by Guard estimates, the oversight had denied more than 75,000 Army Guard and 2,500 Air Guard members access to the best veterans' education benefit since World War II. In addition, the bill would provide a living allowance for distance learners, expand and simplify the existing Yellow Ribbon program, reimburse student-veterans taking multiple certification tests and national exams, and allow active duty service members and their spouses to receive a $1000 per year book stipend, among other things.

The American Legion has a proud history of advocating for veterans' benefits, most notably the contribution to writing and passing the historic Servicemen's Readjustment Act of 1944, commonly known as the ''G.I. Bill of Rights.'' Harry W. Colmery, a former National Commander of the American Legion, is credited with drafting the original language that would become the G.I. Bill. S. 3447 will go far in ensuring that current veterans will be helped as much as the original G.I. Bill helped the Greatest Generation in shaping America. Once again, The American Legion fully supports this legislation and we urge final passage of this bill before the close of the 111th Congress.

Sincerely,

TIM TETZ,
Director,
National Legislative Commission.

STUDENT VETERANS OF AMERICA,
BOARD OF DIRECTORS,
December 14, 2010.

Hon. CONGRESSMAN FILNER, *Chairman,*
Hon. CONGRESSMAN BUYER, *Ranking Member,*
House Veterans Affairs Committee,
Cannon House Office Building,

CHAIRMAN FILNER, RANKING MEMBER BUYER, AND ESTEEMED MEMBERS: We at Student Veterans of America strongly support the provisions of S. 3447, which was passed unanimously by the Senate last evening, on December 14th, 2010. This bill enjoys broad bipartisan support, corrects many of the deficiencies of the original Post 9/11 GI Bill, and even reduces the deficit by more than $700 million over ten years. It is rare that this kind of opportunity comes along with overwhelming support from both parties and the vast majority, if not all, of the veteran services organizations, and we respectfully request that you move to ensure its swift passage.

This Bill will truly change the landscape of veterans' education, and is a fantastic follow-up to the Post 9/11 GI Bill that was passed into law two years ago. Since that time we have seen great successes come from its provisions, and yet we have also seen some veterans left out of its generous promises. S. 3447 addresses almost all of these concerns, and we are excited to be involved in its movement to help all veterans, despite this difficult political climate.

Among its many improvements, S. 3447 establishes a national average for private and graduate school rates that will alleviate the most complex part of this program by giving predictability to all veterans as to what their benefit is worth regardless of where they are studying. Additionally, allowing the Post 9/11 GI Bill to be used for vocational training and apprenticeships, including Title 32 National Guard service members, and providing a housing allowance to distance learners will finally close some of the largest issues with the program thus far, expanding the eligibility and usage to its intended audience: all Post 9/11 veterans.

We are excited and proud to stand with you on this issue and we look forward to continuing to work with you to help our nation's heroes achieve success in the classroom and in their professional lives. Giving student veterans the tools they need to excel in their chosen careers will allow them to continue their exceptional contributions to our country. Please stand with us by passing S. 3447.

Very Respectfully,

JEREMY GLASSTETTER,
National President.

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

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

I don't know since when the GI bill all of a sudden became the greatest hallmark of Democrats. It's of both parties, Mr. Chairman.

I rise to express my concerns about the way, once again, we are legislating outside of regular order, leaving undone significant fixes needed to correct known substantive and technical problems with the bill. And this all goes back to the way the GI bill came to us. It came to us as a political instrument, not properly even vetted through the House. It came as a political instrument in a highly Presidential election time.

The House committee was doing its work on modernizing the Montgomery GI bill. STEPHANIE HERSETH and JOHN

BOOZMAN were doing yeoman's work, under the guidance of Chairman FILNER, and they were doing everything that they were supposed to do to that bill. Sure enough, they took a bill that was drafted by one staffer who had not been properly vetted in the Senate and sent that bill over to the House without even being vetted here by the House. And then Speaker PELOSI wanted to do that, and it was all about, at that time, jamming JOHN MCCAIN.

Now I voted for that when it came here to the House floor. The reason I did that is I wanted a seat at the table. I wanted to be able to correct problems with the bill. We cited 10 or 11 of the problems that we had with the bill, all of which were ignored.

So what happened? All these inequities, all these poor drafting errors, the challenge that the administration even had with regard to the implementation of the legislation. Oh, once again we'll just do something quickly, with expediency, bypass the House process, ignore regular order, dump it on the administration, and then force them to fix it. And then, if they don't do things according to the timeline for which we foresee, then we'll just beat 'em up. This is like the worst way to legislate.

If you want to do proper governing, you don't worry about winning and losing and who's getting credit, whether a Democrat is getting credit or a Republican is getting credit. You don't think about winning and losing. Good government is about the collective ideas of all people of this House.

So, once again, what are we doing? Here comes a bill, once again, coming from the Senate to us on issues that we haven't even had a chance to pore through. Oh, let's come to the floor. Let's cheerlead. Let's embrace. And you're doing it, once again, in a lame duck session.

Then-Speaker Dennis Hastert, in 2006, when Democrats took over the House, what did Dennis Hastert do? He held a conference and he told Republicans: Respect the will of the American people. We will not legislate our agenda in a lame duck.

What are you doing? You're ignoring the will of the American people and trying to jam everything imaginable that you can before you, quote, lose power. So let's do gays in the military and let's jam everything imaginable you can. Let's do this. You're creating even more inequities in this bill than you think that you're correcting.

In order to understand my concerns: Originally the bill cost nearly $80 billion and was not paid for. We could be headed for a similar situation by passing this bill today without going through regular order.

I received a long list of technical changes from the VA that would have facilitated successful implementation. Unfortunately, the majority continues to block my efforts for these changes. In the end, the House once again will have no say in a major piece of legislation expanding veterans' benefits.

So be careful getting out there and pounding your chest thinking that you've done a lot of great things or that you've had all the input. We have not.

I am concerned about the policy change in this bill that ends living stipend payments to veterans during periods of time between semesters. You had better think about what you are about to vote on. This cut in veterans' benefits will hit veterans and their families hard, especially during the holiday season, since many schools dismiss for the winter break veterans who would receive their living stipend check during that period. I can't think of a worse idea than to cut a veteran benefit during the Christmas and holiday season. All Americans know that the month of December is already a strain on their pocketbook, and to have your paycheck cut during a devastating time period is pretty tough.

My second policy concern deals with the national cap on tuition and fees. Current law allows the VA to pay up to the maximum in-state tuition and fees for each veteran enrolled in an institution of higher learning. This means that each State has a different maximum amount of tuition and fees that the VA is required to pay. While the revised benefit of up to $17,500 a year will be a windfall for most veterans, there are veterans in several States, including Texas, New York, and New Hampshire that will see their tuition and fees payments reduced. Veterans in these States will be forced to pay for this reduction from other sources or from their own pocket.

For example, a veteran who is a junior studying at Baylor University in Texas currently receives roughly $26,000 in tuition and fee payments per year. Under this bill, that veteran would receive only $17,500 in tuition and fee payments for a difference of $8,500 per year; or, $34,000 over a 4-year time period will be cut from their benefit.

□ 1900

This bill should have included a provision to grandfather the current students in these high-cost States so they are not required to make up the difference in tuition, but the Members of the House Committee on Veterans' Affairs did not get that change, or any other change, for that matter. By removing these interval payments and excluding a grandfather clause, the drafters of this bill were able to pay for their other enhancements of the bill. However, these enhancements are being done at the expense of some veterans to the benefit of other veterans.

It is one of those things which we are always cautious about, cutting one veteran's benefit to the benefit of some other veteran. If you went out and surveyed the average student veteran, I believe they would oppose improving their own benefit at the expense of one of their comrades.

What is even more disturbing to me is that by rushing this bill through without regular order, the majority and the veterans service organizations who support this move don't seem to have a problem with either of these issues that will hurt some of America's veterans in the name of expediency and of the apparent need to score some kind of point here in the lame duck.

I am surprised that the veterans service organizations have jumped on board in support of this bill despite the fact of its cuts of veterans benefits. I am quite certain they are very uncomfortable with me standing here on the House floor talking about the veterans service organizations' support of the cut in veterans benefits.

In a press release on Tuesday, the commander of the American Legion, Jimmie Foster, stated: ''This is great news. This bill rectifies the inequities and shortcomings of the well-intentioned but incomplete Post-9/11 GI Bill and makes it whole.''

It does not. We create even more inequities and make the matter even worse.

In testimony in July before the Senate Committee on Veterans' Affairs, the Iraq and Afghanistan Veterans of America stated: ''The discussion draft of Senate 3447 will improve the new GI Bill and ensure that all student veterans have access to the most generous investment in veterans education since World War II.''

At the same hearing, the Veterans of Foreign Wars stated: ''Senator AKAKA, your legislation addresses every area of concern the VFW has with improving the Post-9/11 GI Bill. We cannot say enough about the noble intent driving this legislation.''

Madam Speaker, I guess we have a few questions for the veterans who are members of these veterans service organizations. Number one, are your Representatives in Washington really standing up for you when they endorse a bill that cuts your living stipend during the holidays?

Please understand what this does. When an individual finishes their fall semester and before they start their spring semester, their benefits are cut. At some schools they might be out 5 weeks, or 3 weeks, or 4 weeks. We are going to cut their stipend during that break between semesters.

The other question is, are they really representing the view of a veteran when they endorse legislation that cuts tuition payments for some veterans by thousands of dollars while trying to benefit a veteran in some other place?

While I am retiring here at the end of this Congress, I am sure that Members of the new majority will want to hold hearings on the shortcomings in the Post-9/11 GI Bill and look for ways to improve the bill early in the next Congress. That way we can further consider the VA's and the committee's concerns, avoid unintended consequences, and do so in a bipartisan manner, and, most importantly, using regular order and making sure everyone participates in the process. That is

the best way for us to govern a country.

With that, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LOEBSACK), who has been a great leader on veterans issues.

Mr. LOEBSACK. I thank Chairman FILNER, and I want to thank Democrats and Republicans alike who have worked on this bill and folks in the Senate who have worked on this bill as well, both Democrats and Republicans.

Mr. Speaker, the Post-9/11 GI Bill is an expression of our Nation's gratitude to those who have served our country since the 9/11 attacks.

As a former college professor, I know firsthand the impact a post-secondary education can have. It opens doors and it broadens opportunities, and it is critical to the strength of our military and the future of our economy.

I have had the honor to meet many members of the Iowa National Guard. I have seen them respond to the floods that hit my district in 2008, and I have visited them in Iraq and Afghanistan. The dual role of the National Guard in our homeland and national security is unique, and it has only increased since the 9/11 attacks.

The National Guard is no longer a strategic reserve. It is an operational one. These soldiers and airmen secure our airspace, respond to disasters, protect our borders, and deploy to Iraq and Afghanistan. Yet the Post-9/11 GI Bill did not recognize this dual role. It counts only service overseas and overlooked the role the National Guard plays in federally funded homeland security missions.

That is why I introduced the National Guard Education Equality Act, which has over 100 bipartisan cosponsors and has been endorsed by a number of veterans service organizations. I am very proud that my bill has been included in the Post-9/11 Veterans Education Assistance Improvements Act. As a result, tens of thousands of National Guard members will receive benefits they are due for their service to our country.

While this bill is not perfect and more needs to be done, it is an essential step forward. Among its many other improvements for our veterans, it will recognize and it will honor the contributions of the National Guard to both our homeland and our national security. I urge support for this critical legislation.

I again thank Chairman FILNER and Members for all their great work on this, Democrats and Republicans alike.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today in strong support of S. 3447, The Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

I would like to thank Senator AKAKA for introducing this critical legislation in the Senate and Representative WALT MINNICK of Idaho who introduced the companion bill here in the House and worked diligently to refine the landmark Post-9/11 G.I. Bill enacted in 2008.

I would also like to thank Veterans Affairs Committee Chairman FILNER, as well as Ranking Member BUYER, for their leadership throughout the 110th and 111th Congresses on this topic in helping ensure that our Nation's veterans have access to the educational benefits they deserve and have earned.

One of the most significant accomplishments of the 110th Congress was the passage of the Post-9/11 G.I. Bill. That legislation offered the first update and improvement of the Montgomery G.I. Bill in over a generation, and set the Department of Veterans Affairs on the path toward providing today's veterans the educational benefits that befit their service and sacrifice.

Today, by passing S. 3447, this House can take another significant step on the ongoing journey to provide veterans with those improved educational benefits.

During the 111th Congress, I have had the honor to serve our Nation's veterans as Chairman of the Economic Opportunity Subcommittee. As part of my work as chairman, our subcommittee held six hearings on various aspects of the Post-9/11 G.I. Bill program. We addressed the VA's long-term strategy to implement the benefit and investigated the reasons behind some of the processing delays that plagued the program when the VA first began paying benefits in August of 2009. In addition, our Subcommittee held an education roundtable and several legislative hearings on bills that sought to improve or expand the Post-9/11 G.I. Bill program.

During these many hearings, it became clear that, while the version of the Post-9/11 G.I. Bill program the House passed in the 110th Congress was a positive step, there were also logical, commonsense, bipartisan improvements to be made to the benefit that would allow veterans greater flexibility and better meet their needs.

S. 3447 contains many of those needed improvements.

This bill:

Allows veterans to use Post-9/11 benefits for Apprenticeship and On-the-Job Training programs.

Provides students pursuing education through distance learning access to the housing stipend given to traditional students.

Credits National Guard members—who are activated under Title 32 orders for national disasters—with Post-9/11 eligibility.

Improves the often confusing state cap system to expand and simplify the yellow ribbon program which allows veterans to receive funds to attend private schools.

Fully covers tuition at any public school.

Is fully offset and cost neutral thanks in part to closing several loopholes in the program.

There is historical precedence for making such changes. The 78th Congress also needed to pass several reforms to the original Montgomery G.I. Bill. Today, the Montgomery G.I. Bill is considered to be one of the most successful veterans programs in the history of our country. By passing S. 3447, we are following in that tradition.

In conclusion, I would like to thank the many Veterans Service Organizations who worked with Senator AKAKA, Representative MINNICK, and myself on these issues. Groups such as the Veterans of Foreign Wars, the American Legion, and the Iraq and Afghanistan Veterans of America were tireless champions on this bill and these issues. The passage of S. 3447 would not be possible without their efforts.

I also want to thank Economic Opportunity Subcommittee Ranking Member JOHN BOOZMAN for his leadership and effort in conducting proper oversight of the Post-9/11 G.I. Bill and helping to improve it. I am very proud of the bipartisan way that Representative BOOZMAN and I approached Economic Opportunity issues and this topic was no exception. I wish him the best of luck in his work in the Senate on behalf of veterans and the State of Arkansas.

Again, I urge all my colleagues, on both sides of the aisle, to support this important legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

First I want to thank the Chairman of the Senate Committee on Veterans' Affairs, and my very good friend, Senator DANIEL AKAKA, for his leadership and for continuing to look out for the needs of our veterans. I also want to thank the gentleman from Idaho, Mr. WALTER MINNICK, for his work on this important issue.

The bill, S. 3447, embodies Congress' responsibility to those that have served and fought in defense of this great Nation. Since the Serviceman's Readjustment Act of 1944, or the original GI Bill, Congress has continued to provide assistance through a myriad of programs designed to meet the many critical needs of our veterans. And service members. These programs include the construction of additional hospitals; extending educational assistance to disabled and non-disabled veterans; providing access to loans for home, business, and farm; job counseling and placement services and unemployment benefits.

The bill before us today, S. 3447, underscores this continued responsibility. It will make several improvements to the existing Post-9/11 Veterans Educational Assistance Program, or the Post-9/11 GI Bill of 2008.

Among other improvements, S. 3447 will modify eligibility for entitlements to educational assistance; the amount of assistance and types of approved program of education; and assistance for licensure and certification tests.

Under the proposed legislation, individuals, who have been discharged or released from the Armed Forces, will be able to transfer unused education benefits to family members or dependents. Those pursuing a college degree or certificate through an accredited distance learning program will also be eligible for educational assistance. Eligible individuals entitled to supplemental educational assistance for additional service under the Montgomery GI Bill-Active Duty, MGIB–AD, may also receive remaining payments if the individual elects to receive benefits under the Post-9/11 GI Bill. Veterans with service-connected disabilities will be eligible to choose the national average of BAH, or the DOD benefit to provide housing compensation, in lieu of the monthly subsistence allowance currently authorized. Commissioned officers in the Public Health Service, PHS, and National Oceanic and Atmospheric Administration, NOAA, may also transfer Post-9/11 GI Bill benefits to their dependents.

Overall, this piece of legislation provides the opportunity for veterans and servicemembers to maximize their benefits and to ensure that their needs are met. And again I thank Senator AKAKA for his leadership on this important piece of legislation.

I urge my colleagues to support this bill.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 3447, the Post–9/11 Veterans Educational Assistance Improvements Act of 2010. I commend Chairman IKE SKELTON of the House Armed Services Committee, Chairman JOHN SPRATT of the House Committee on the Budget, and Chairman BOB FILNER of the House Committee on Veterans Affairs for their commitment, hard work and dedication to expanding education benefits for the men and women who have served our great nation in uniform since September 11, 2001. The work of committee leadership ensures that this Congress will make a meaningful positive impact on our Armed Forces.

The improvements to the bill will make it easier for the U.S. Department of Veterans Affairs and the military services to implement the program thereby speeding up the time it presently takes to use the benefits. Further the proposed legislation expands tile types of training which can be pursued to include vocational and technical schools, apprenticeships and on the job training that were not previously covered. Another important improvement to the Bill includes expanded financial assistance to active duty members to cover the cost of books and administrative fees and to broaden the opportunity to participate in distance learning programs.

Another critical component of the legislation is expanding eligibility to many men and women of the National Guard who serve under Title 32 authority. Men and women of the National Guard continue to be called upon to serve at home and abroad to protect our national interests. The distinction between different types of orders is often blurred due to archaic procedures and operational requirements. The legislation significantly enhances benefits for men and women of the National Guard by including active duty time spent for the purpose of organizing, administering, recruiting, instructing, or training the National Guard. It also includes time spent under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

This legislation continues our solemn commitment to veterans and servicemembers. The bill improves the processing of these benefits and ensures that we fulfill our commitment to all servicemembers and veterans. As such, I urge my colleagues to join me in supporting S. 3447.

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

Mr. FILNER. Mr. Speaker, I have no further requests for time. This is an important bill that extends benefits to even more of our veterans and tries to enhance the benefits for those who already are receiving them. I ask for unanimous support, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANGEVIN). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 3447.

The question was taken.

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

Mr. FILNER. 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.

SUPPORTING A NEGOTIATED SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1765) supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral declarations of a Palestinian state, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1765

Whereas a true and lasting peace between Israel and the Palestinians can only be achieved through direct negotiations between the parties;

Whereas Palestinian leaders have repeatedly threatened to declare unilaterally a Palestinian state and to seek recognition of a Palestinian state by the United Nations and other international forums;

Whereas Palestinian leaders are reportedly pursuing a coordinated strategy of seeking recognition of a Palestinian state within the United Nations, in other international forums, and from a number of foreign governments;

Whereas, on November 24, 2010, Mahmoud Abbas, leader of the Palestinian Authority and the Palestine Liberation Organization, wrote to the President of Brazil, requesting that the Government of Brazil recognize a Palestinian state, with the hope that such an action would encourage other countries likewise to recognize a Palestinian state;

Whereas, on December 1, 2010, in response to Abbas's letter, the Government of Brazil unilaterally recognized a Palestinian state;

Whereas, on December 6, 2010, the Government of Argentina announced its decision to recognize unilaterally a Palestinian state, and the Government of Uruguay announced that it would unilaterally recognize a Palestinian state in 2011;

Whereas, on March 11, 1999, the Senate adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that ''any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition'';

Whereas, on October 20, 2010, Secretary of State Hillary Rodham Clinton stated, ''There is no substitute for face-to-face discussion and, ultimately, for an agreement that leads to a just and lasting peace.'';

Whereas, on November 5, 2010, United States Department of State Spokesman Mark Toner, responding to a question about the Palestinians possibly taking action to seek recognition of a Palestinian state at the United Nations, said, ''[T]he only way that we're going to get a comprehensive peace is through direct negotiations, and anything that might affect those direct negotiations we feel is not helpful and not constructive'';

Whereas, on November 10, 2010, Secretary Clinton stated, ''we have always said and I continue to say that negotiations between the parties is the only means by which all of the outstanding claims arising out of the conflict can be resolved . . . There can be no progress until they actually come together and explore where areas of agreement are and how to narrow areas of disagreement. So we do not support unilateral steps by either party that could prejudge the outcome of such negotiations.'';

Whereas, on December 7, 2010, Assistant Secretary of State for Public Affairs Philip J. Crowley stated, ''We don't think that we should be distracted from the fact that the only way to resolve the core issues within the process is through direct negotiations.'';

Whereas, on December 10, 2010, Secretary Clinton stated, ''it is only a negotiated agreement between the parties that will be sustainable'';

Whereas the Government of Israel has made clear that it would reject a Palestinian unilateral declaration of independence, has repeatedly affirmed that the conflict should be resolved through direct negotiations with the Palestinians, and has repeatedly called on the Palestinian leadership to return to direct negotiations; and

Whereas efforts to bypass negotiations and to unilaterally declare a Palestinian state, or to appeal to the United Nations or other international forums or to foreign governments for recognition of a Palestinian state, would violate the underlying principles of the Oslo Accords, the Road Map, and other relevant Middle East peace process efforts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;

(2) reaffirms its strong opposition to any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between Israel and the Palestinians;

(3) urges Palestinian leaders to—

(A) cease all efforts at circumventing the negotiation process, including efforts to gain recognition of a Palestinian state from other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians, and calls upon foreign governments not to extend such recognition; and

(B) resume direct negotiations with Israel immediately;

(4) supports the Administration's opposition to a unilateral declaration of a Palestinian state; and

(5) calls upon the Administration to—

(A) lead a diplomatic effort to persuade other nations to oppose a unilateral declaration of a Palestinian state and to oppose recognition of a Palestinian state by other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians; and

(B) affirm that the United States would deny recognition to any unilaterally declared Palestinian state and veto any resolution by the United Nations Security Council to establish or recognize a Palestinian state outside of an agreement negotiated by the two parties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Res. 1765, and I yield myself 3 minutes.

Mr. Speaker, I brought this resolution to the floor because I believe negotiations are the only path to a two-state solution to the Israeli-Palestinian conflict. For this reason, the United States Congress has every reason to be concerned about efforts of some in the Palestinian Authority leadership to attain recognition of statehood while bypassing the accepted negotiation process.

□ 1910

These efforts run counter to the Palestinians' own internationally witnessed commitments at the 1991 Madrid Conference and under the 1993 Oslo Agreement and the 2003 Roadmap. Most important, the Palestinians will only get a state by negotiating with the Israelis.

That is but one reason I am deeply disappointed by the recently announced decisions of Brazil and other Latin American countries to recognize an independent Palestinian state, actions prompted by a direct request from Palestinian President Abbas.

Ultimately, such recognition of nonexistent statehood gives the Palestinians nothing. In 1988, Yasser Arafat declared a state and garnered recognition from more than 100 states; now, 22 years later, there is still no state. The Palestinian people don't want a bunch of declarations of statehood. They want a state. And they should have one, through the only means possible for attaining one, negotiations with Israel.

The Obama administration has been unwavering on this point. Unless an independent Palestinian state is formed via a negotiated settlement, the Israeli-Palestinian conflict will not be solved. Only through direct negotiations can difficult compromises be reached on the core issues of borders, water, refugees, Jerusalem, and security. Unilateral declarations of statehood will not eliminate the sources of the conflict; they will exacerbate them. Secretary of State Hillary Clinton could not have been more correct when she said just this past Friday that ''it is only a negotiated agreement between the parties that will be sustainable.''

I believe that Palestinian Authority President Abbas and Prime Minister Fayyad are committed to a peaceful resolution of their conflict with Israel, so I hope they will take Secretary Clinton's message to heart. This body has been very generous in its support of their worthy efforts to build institutions and the economy on the West Bank. In fact, I believe we are the most generous nation in the world in that regard. So I think our friends should understand: If they persist in pursuing a unilateralist path, inevitably, and however regrettably, there will be consequences for U.S.-Palestinian relations.

I encourage all of my colleagues to support this important pro-negotiations, pro-peace resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am proud to be a cosponsor of this legislation. I strongly support a negotiated solution for peace in the Middle East, and this resolution will help do that.

Unfortunately, behind closed doors and behind the backs of Israelis and the United States, Palestinian leaders are reportedly holding high-level, unilateral discussions in pursuing recognition of a Palestinian state by the United Nations and other international forums. In fact, the U.N. Special Coordinator for the Middle East Peace Process, Robert Serry, on October 26 of this year said he supported recognition of a Palestinian state by the United Nations. The answer is to negotiate with Israel to make sure that there is a Palestinian state and not operate unilaterally without the help and negotiation of Israel. But this is not all.

Earlier this month, three South American countries—Argentina, Brazil, and Uruguay—recognized Palestine as a state. Palestinian statehood recognition outside of talks with Israel is a bad idea, and it is not a peaceful solution to this problem.

If the Palestinian state is a sovereign state, what are the borders of this state going to be? Will terrorist acts now be seen as an act of war from a recognized state? Is this going to be a sovereign state within the sovereign State of Israel? No one knows because none of these questions have been answered with these countries who want to have a unilateral recognition of this state.

I am not saying that there can never be a Palestinian state, but what I am saying is certain conditions certainly should be met before a state can be established. And one of those, the foremost important one, is get to the table and negotiate with Israel. Quit worrying about what Brazil, Argentina, and Uruguay think and be more concerned about what Israel thinks, because Israel must agree to whatever solution comes about in this negotiation.

If other countries follow Brazil and recognize Palestine, why would Palestine return to negotiations with Israel? They are already getting what they want without negotiations. I believe that without further negotiations with Israel, there will be violence in the Middle East; in fact, peace in the Middle East will be a far-off dream.

I think the administration needs to come out very strongly in opposition to this idea before more states recognize a Palestinian state. I think it is important that Congress show Israel that we stand with them. We stand for them because what is bad for them is bad for the United States and for the world and for the Middle East. So it is simple: Get back to the table with the people that are most concerned about a Palestinian state, that being the Israelis.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself 15 seconds.

I thank the gentleman for his position, for his resolution, and for his cosponsoring of this resolution. And I am here to stand not only with the Israelis, but I stand with the Palestinians on this issue because the Palestinians want this state, and negotiations are the way to get it.

I am pleased to yield for a unanimous consent request to my colleague from California (Mr. MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my support for a negotiated solution to the decades-long conflict between Israel and the Palestinians. I will be voting in favor of the resolution introduced by my friend from my home state of California, Congressman BERMAN, as I believe that only a negotiated solution to which all parties agree will achieve lasting peace.

However, I would like to note that I believe that this resolution unwisely addresses only one issue standing in the way of Israeli-Palestinian peace, even while numerous other issues continue to plague the peace process. I believe that the resolution is fully correct that the Palestinian Authority should not seek statehood unilaterally. Yet, I do not believe that unilateral actions by either side that undermine efforts to achieve a negotiated solution are helpful in achieving our shared goal of peace in the region. In fact, I believe that they are extremely counterproductive.

Moreover, I believe that it is critical that this Congress support the Obama Administration's continued efforts to negotiate with each of the parties over substantive issues to make progress toward a settlement so that an eventual return to direct negotiations can be successful. Indeed, Special Envoy for Middle East Peace George Mitchell is in the region now working to make substantive progress.

Once again, I support this resolution, but I believe that it unfairly only addresses one of a number of complex issues standing in the way of achieving a negotiated peace settlement in the Middle East.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New York (Mr. ACKERMAN), the chairman of the Middle East and Southeast Subcommittee.

Mr. ACKERMAN. Mr. Speaker, this resolution is absolutely vital. It should be called the Peace Process Preservation Act because that is exactly what it is all about.

I understand that to many Israelis and many Palestinians, there is enormous frustration and disappointment and impatience with the peace process, but there is absolutely no acceptable alternative to it. Only negotiations can promise a real and durable peace, a peace with security for Israel, as a Jewish and democratic state, and independence for a sovereign and viable Palestinian state. There is no magic wand. There is no shortcut. The only way to peace is negotiating in good faith and making the hard choices that it demands.

Israel has shown time and again that it is ready. In the year 2000, Israel made a serious and generous offer to the Palestinians at Camp David, and then offered even more at Taba. Israel offered the Palestinians still more in 2008. And last year, Prime Minister Netanyahu, without getting any credit, came out in favor of a two-state solution and has been waiting ever since for the Palestinians to join him at the table.

It is time for Abu Mazen to stop jetting around the looking for alternatives to dealing directly with Prime Minister Netanyahu. Palestinians can't, on the one hand, complain that Israeli settlements prejudge final status issues and then run around calling on other nations to try to impose a solution from the outside.

Personally, I think that the Palestinians' complaints about settlements are overwrought. Prime Minister Netanyahu froze settlement building for 10 months and got only Palestinian scorn for his efforts. Moreover, for peace, or to promote it, Israel has withdrawn completely from Sinai, Lebanon, and Gaza. So the Israeli track record on land for peace is very clear.

But what some Palestinians can't seem to understand is that their legitimate aspirations not only can't be achieved by violence, but are equally unobtainable through unilateral or external declarations. A just and lasting settlement is only possible through a political process, one where both sides make concessions.

Any nation that is truly committed to peace, or sees itself as a friend of the Israelis or the Palestinians, has to recognize that trying to dictate a solution is a recipe for catastrophe. Instead of producing peace, efforts to impose one from the outside will transform a difficult but resolvable conflict between two peoples into a horrific war between two religions.

So if you think the time to resolve this conflict is now, and I do, and if you think both Israelis and Palestinians are entitled to govern themselves, and I do, then you need to support this resolution in favor of negotiations and peace and against imposed or unilateral solutions.

□ 1920

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana (Mr. BURTON), the ranking member on the Middle East Subcommittee, be allowed to control the remainder of my time.

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

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, at this time I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. ENGEL), a member of the committee, chair of the Western Hemisphere Subcommittee.

Mr. ENGEL. I thank the chairman for yielding to me. And I, like my colleagues on both sides of the aisle, rise in support of this resolution. My colleagues have said it very, very well, and I reiterate it—the only way that peace can be achieved in the Middle East is by having the two parties sit down and negotiate a settlement that can't be an American plan, that can't be an Obama plan, that can't be a U.N. plan. It has to be a plan between the Israelis and Palestinians. So at the end of the day, we come out with a two-state solution—the Jewish State of Israel and a Palestinian State. And both States ought to live with security along recognized borders.

Now, it is bad enough that these countries like Brazil, Argentina, and Uruguay, unilaterally say that they accept or they recognize a Palestinian State. They talk about a Palestinian State within the 1967 borders, which is preposterous. Everyone knows that Israel would never and could never agree with it. Those borders are indefensible, and for that reason Israel would and could not accept it. So, as far as I am concerned, this is just mischief-making. This is the Palestinian leadership not having the guts to sit down and negotiate a difficult situation.

The Palestinian leadership has been throwing all kinds of preconditions out there, saying to Israel, We're not going to sit and negotiate with you unless you do this; we're not going to sit and negotiate with you unless you do that. So the prime minister of Israel, Netanyahu, agrees to a 10-month moratorium on building any kind of settlements or neighborhoods or anything like that, and the Palestinian leadership decried it. They made fun of it. They said it was nothing. And then they waited 9 of those 10 months to actually sit down and negotiate with Israel. So they sat down for 1 month and then the 10 months expired. And now they are demanding another freeze. Well, I find it very odd that now that this freeze on so-called settlement activities is absolutely necessary in order for the Palestinians to sit down and negotiate, when for 9 months they refused to negotiate when Israel had stopped any kind of new settlements. So this is just a further international attempt to delegitimize Israel and to unilaterally declare statehood for the Palestinians. That will never work.

A little history is important here. Back in 1948, when the United Nations resolution passed, taking what was then historic Palestine and dividing it between an Arab State and a Jewish State, the Jews in the area said yes, accepted it, and the Arabs said no. And they went to war against Israel. And went to war against Israel time and time and time again to wipe out the State of Israel.

So we know we have come a long way. And my colleagues have said this. Back in 2000, back in 2001, Prime Minister Barak, Prime Minister Sharon, Prime Minister Olmert all issued and agreed to have negotiations and to give the Palestinians almost everything they wanted; a state of their own. They turned it down. Negotiation is the only step forward, and we should continue on that path.

Mr. BURTON of Indiana. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to a member of the committee, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. I do want to thank the distinguished gentleman from California, the chairman of the House Foreign Affairs Committee, and I want to state for the record I associate myself with the comments and the position taken by the chairman of the Foreign Affairs Committee concerning this issue that is now before the House.

Mr. Speaker, there is no question that the Israeli-Palestinian conflict for the past 60 years, in my opinion, has been something that not only has got the attention of the entire world, it is trying to find a solution to the current issues and the problems existing between the Israeli and the Palestinian people. I also want to commend the Obama administration and certainly Secretary Clinton for initiating the efforts to continue the negotiation process in trying to find a peaceful solution to the current problem existing between Israel and the Palestinian people.

One thing that is quite certain, that is at least a sense of consensus and agreement, is the fact that we recognize that yes, Palestine should be given as an independent and sovereign state just as much as there should be proper recognition of Israel as a sovereign and an independent state. I think the points that have been taken by my good friend, the gentleman from Texas; Mr. BERMAN; and also my colleagues from New York, Mr. ACKERMAN and Mr. ENGEL, are well taken. And I just want to urge my colleagues to support the resolution.

Mr. BURTON of Indiana. Mr. Speaker, I will continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to a

distinguished member of the Foreign Affairs Committee with an ardent interest in this issue, the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I would like to thank the gentleman from California for yielding and for his extraordinary leadership on this issue and on our committee for the last several years.

Mr. Speaker, I rise in strong support for this important resolution because I am deeply concerned about the chances for Middle East peace. Over the last year, instead of negotiating directly with the Israelis, Palestinian leaders have turned their backs on peace talks. They have come up with all sorts of excuses to avoid negotiations, demanding that Israel stop construction in all settlements, including Israel's capital, before they'll even sit down to negotiate. When Israel took the courageous and difficult step of agreeing to a 10-month moratorium, that wasn't enough. They waited 9 of the 10 months, only coming to the table at the last possible moment. Meanwhile, rather than negotiating, the Palestinians have decided to pursue a unilateral strategy, seeking global recognition for their ''state'' instead of making peace with the State of Israel. Shamefully, several countries have even rewarded the Palestinian stonewalling instead of urging them to return to the negotiating table where they belong. The negotiating table is the only way to bring a true and lasting peace to the region. All peace-loving nations must reject this Palestinian manipulation and insist that they return immediately to negotiations. There is simply no other path to peace.

It is the Palestinians that have the most to lose if there isn't a negotiating path to peace. While Israel has a strong country and a good education system, a vibrant economy, a national identity, a cultural identity and a strong democracy, the Palestinians, because of their poor leadership, have absolutely none of those. And they will never get any of that until there is peace between the parties. The only way to do that is to sit down and negotiate in good faith. If I was Abu Mazen, you couldn't drag me away from the negotiating table. I would sit there until I delivered for my people a Palestinian State. It occurs to me that maybe that's not what his motives are. If he was interested in it, with a 10-month moratorium he should have started on day one of the moratorium instead of waiting until the end.

Mr. BURTON of Indiana. Mr. Speaker, I continue to reserve the balance of my time.

□ 1930

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to one who has been, really, an ardent supporter of the resolution of the Israeli-Palestinian conflict and peace in the Middle East, my friend from California (Mrs. CAPPS).

Mrs. CAPPS. I thank the distinguished chairman for yielding to me.

Mr. Speaker, I rise in very reluctant support of this resolution. Unfortunately, we have before us today yet another one-sided resolution regarding the Israeli-Palestinian conflict. I will vote in favor of it because I do oppose unilateral declarations of Palestinian statehood, and I do believe that a negotiated solution is the only way forward for Palestinian statehood to actually happen. However, this resolution ignores other facts on the ground that have led to the current breakdown in negotiations, most notably Israel's expansion of settlements.

Mr. Speaker, it is truly absurd to argue that serious negotiations can occur when both actors are engaged in activities that threaten the credibility of the peace process. It is likewise unwise to ignore that both Israelis and Palestinians bear responsibility for engaging in these activities.

Resolutions, like the one we are considering today, are clearly done for domestic political consumption much more than for having any positive impact on the conflict. We should not be ignorant of the fact that this Chamber's pattern of passing resolutions that are one-sided can, indeed, undermine our credibility to be serious brokers for peace.

No one is doubting the important relationship between the United States and Israel. Israel is our strongest ally and the only true democracy in the region, but that doesn't mean we shouldn't speak the truth in identifying Israeli policies that are harmful to promoting peace in the region and that advance the United States' national interests.

If I could rewrite this resolution, it would highlight the responsibilities of each partner to take actions demonstrative of its commitment to peace. Israelis and Palestinians alike share this responsibility, and so does the United States as an honest broker.

Mr. BURTON of Indiana. I yield myself such time as I may consume.

You know, Mr. Speaker, I think Israel continues to do everything they can to bring about a peaceful solution to the problems in the Middle East regarding the Palestinian issue, but they don't have a partner, and the Palestinians continue to do an end run around the negotiation process.

Number one, it isn't going to work. Number two, it shows the insincerity of the leadership of the Palestinian Authority when it talks about peace. In the past 5 years, we have given over $2 billion in assistance to the Palestinian Authority, and we have been reinforcing and rewarding bad behavior on the part of the Palestinian Authority when it has proven to us, by doing the things it is doing right now, that it is really not worthy of the support we are giving it. We should finally hold the Palestinian Authority leaders accountable.

A couple of things really bother me. One is when I hear the leader of the Palestinian Authority and the PLO, Abu Mazen, praise the recently deceased mastermind of the PLO's massacre of the Israeli athletes at the 1972 Munich Olympics. This is the leader, and he is praising the massacre that the whole world abhorred. He also expressed what he called his ''firm rejection of the so-called Jewishness of the State of Israel,'' saying, ''This issue is over for us. We have not and will not recognize it.''

That's a heck of an attitude for people to have who say they want a Palestinian state and who say they want to negotiate while, at the same time, they're making these statements and are doing an end run around the entire process.

Last year, Abu Mazen said, ''Presently, we are against armed struggle because we cannot cope with it, but things could be different at some future phase.''

That indicates again and again and again their insincerity of negotiating in good faith. They are talking about at some point in the future having another armed struggle. Israel has gone beyond the pale time and again. Bibi Netanyahu, the Prime Minister, has taken that extra step time and again.

Until we see real concern and real sincerity in the negotiating process, we ought to take a very hard attitude toward the Palestinian Authority. In my opinion, that means cutting off any funding for it until it is willing to seriously sit down and negotiate a peaceful settlement to the problem.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from California has 5¼ minutes remaining.

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

Mr. Speaker, I would like to address the comments of my colleague from California (Mrs. CAPPS).

I am obviously grateful for her support of this resolution and for her agreement with the notion that unilateral steps like this are not the way to achieve peace. Yet she made certain comments regarding issues which are not in the resolution—and she is right. This resolution has nothing about settlements. There is nothing about incitement. There is nothing about the Palestinian denial of the Jewish connection to the Western Wall. As for the settlements, I have my own reservations about Israel's activities, but this resolution isn't about any of those things.

This resolution is about the most central issue of all—the pathway to Palestinian statehood. There is only one path, and that is through negotiations. No negotiations, no state. It is as simple as that.

I am now happy to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the distinguished gentleman for yielding.

I rise to support this legislation. As I listened earlier—and I had to depart from the floor—I wanted to reinforce the comments and perspective that Chairman BERMAN has announced.

Mr. Speaker, diplomacy is bilateral. It is a two-way street. It is a give-and-take. It is the ability to help all of the people who are involved, and it is also the ability for the world to recognize that a coming together has occurred. I have the greatest sense of concern and respect for the Palestinian people and for Palestinian Americans, who themselves have reached out and asked for help.

I believe the people of the West Bank and Gaza want freedom, opportunity, equality, and a peaceful existence. I believe, over the years, the people of Israel and its many leaders have engaged in the process of peace. We in the United States are committed to a two-party state. We are committed to a peace resolution. Make peace today. Unilateral affirmation of one state without the recognition of the importance of both states coexisting and working together does not lead to the recognition that the world should give to two independent states that will be working alongside each other.

So I would simply indicate that, as we move forward, it is enormously important that we get energized on the two-party debate, discussion and diplomacy, and that we provide a peaceful existence as one of the negotiators—the United States—for the Palestinian people and the people of Israel. We should be engaged. We have been asked to be engaged. We can make a difference, and I would support the idea of our making a difference.

To my friends who have proceeded on a unilateral perspective, Mr. Speaker, I would simply say: go this route of a two-party state, engaging to provide peace for the two states.

□ 1940

Mr. BERMAN. Mr. Speaker, I would close by quoting from Prime Minister Salam Fayyad in an interview he gave just yesterday—actually, it was tonight in that time zone—where he said, ''We want a state of Palestine, not a unilateral declaration of statehood.'' He explained that he did not see how a unilateral declaration of statehood would assist the Palestinian cause.

Mr. Speaker, I urge the House to pass this resolution.

Mr. CANTOR. Mr. Speaker, having repeatedly refused to negotiate in good faith with Israel, the Palestinian Authority is now threatening to abrogate the Oslo Accords by unilaterally declaring its own state at the U.N. For all those Americans and citizens of the world who yearn for peace, prosperity and stability in the Middle East, I warn that nothing could be more detrimental to these hopes.

A unilaterally declared Palestinian state is a rejection of the very essence of the peace process. It is an unambiguous statement that the Palestinians refuse to honor their obligations in the interest of a lasting peace with Israel.

A real, genuine peace won't come out of thin air. It will come when the Palestinians teach their children that Israel has a right to exist as a Jewish State. And it will come when the PA inspires confidence that it has the capability and the will to provide security and safeguard peace with Israel on its own.

That day has not arrived, and it is reckless and harmful to U.S. national security interests to pretend otherwise. Should a state be recognized based on the now-untenable pre-1967 borders, Palestinian terrorists in the West Bank would have the same kind of free rein to shoot rockets, mortars and guns into Israel that they now have in Gaza. Only this time, all of Israel's main population centers will be in the crosshairs. This would lead to a permanent state of war as Israel is forced to defend itself.

Fortunately, the U.S. has the ability to veto any irresponsible Palestinian declaration of statehood at the U.N. By taking up this resolution, the House of Representatives is signaling its belief that the United States' veto authority should be used to preserve stability and prospects for peace in the Middle East.

Ms. MOORE of Wisconsin. Mr. Speaker, I am as disappointed as anyone that the Middle East Peace talks have stalled despite considerable efforts by the Administration and the international community to help both sides make the tough decisions needed to help advance those talks. I understand that some of my colleagues are frustrated with repeated roadblocks that appear only intent on derailing the peace process. I share that frustration. I believe that all who have a clear stake in the peace process are also frustrated.

I have long advocated and reaffirmed my strong support for a negotiated solution to the Israeli-Palestinian conflict with two states living side by side in peace and security. Both parties bear responsibility for the success or failure of the Middle East Peace efforts.

No one pretends that the issues involved here are easy. I think everyone also recognizes the devastating consequences for the region, for our ally Israel, and for U.S. security interests if the right solution is not found.

There are a myriad of issues that have arisen that have complicated talks. Palestinian unilateral declaration of a state is only one, but if you read this resolution you would reach the conclusion that it is the only unilateral action or proposed action that would imperil this process. The House should urge the Administration to take a strong stand with both parties on all unilateral actions that are hindering the peace talks, especially those that were agreed to only a few years ago by the parties in the Roadmap.

Middle East peace requires the active engagement of both parties. The Administration, as well as the House of Representatives, should make the expectations for both parties clear: each party must engage seriously on even the hardest issues—making proposals and counter-proposals—and achieve concrete results.

As I stated in a letter to President Obama earlier this year in support of strong U.S. engagement as an honest broker in renewed Middle East Peace talks, allowing actions by either party that undermine the process to go unchallenged serves to fan animosity and mistrust, which feeds this needless cycle of conflict and violence. This does not serve the interests of the U.S., our ally Israel, or the Palestinians.

This resolution reaches half that goal since it targets only one action by one party. It correctly notes the Administration's opposition to a unilateral declaration of a Palestinian state and the potential harm that would do to a comprehensive Middle East Peace Agreement. The same resolution also conveniently skips around other unilateral actions by the parties that may also harm the atmosphere for peace in the region.

The resolution notes one quote from Secretary Clinton's speech a few days ago on December 10. Let's look a little deeper into some of the Secretary's other comments in that lengthy speech. Secretary Clinton made clear that the U.S. remains committed to reaching a comprehensive peace deal between the parties with the U.S. playing a key role. She also stated that a peace agreement between the two parties is the ''only path to achieve the Palestinians' dreams of independence.''

She specifically also noted that ''in the days ahead, our discussion with both sides will be substantive two-way conversations with an eye toward making real progress in the next few months . . . The United States will not be a passive participant. We will push the parties to lay out their position on the core issues without delay and with real specificity . . . We enter this phase with clear expectations of both parties.''

In her speech Secretary Clinton noted that ''the position of the U.S. on settlements has not changed and will not change. Like every American administration for decades, we do not accept the legitimacy of continued settlement activity. We believe their continued expansion is corrosive not only to peace efforts and a two-state solution, but to Israel's future itself.'' The resolution before us today notes support for a negotiated solution but is silent on this issue as if it does not impact achieving that negotiated solution.

Secretary Clinton went on to say that both parties, ''to demonstrate their commitment to peace . . . should avoid actions that prejudge the outcome of negotiations or undermine good faith efforts to resolve final status issues. Unilateral efforts at the United Nations are not helpful and undermine trust. Provocative announcements on East Jerusalem are counterproductive. And the United States will not shy away from saying so.''

Unfortunately, the resolution before us today gets half of the message and only a small fraction of the demands on both parties to help move this process forward, laid out by the Secretary of State last Friday.

As noted by Secretary Clinton, Israeli and Palestinian leaders should stop trying to assign blame for the next failure, and focus instead on what they need to do to make these efforts succeed. I believe the House resolution before us today would have been wise to also heed that advice.

The intent of this resolution is to express concern with an action that will put more obstacles in the way of achieving Middle East Peace. I could not agree with that goal more. But let's make sure that we recognize that both parties have an equal responsibility to refrain from such actions.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the

rules and agree to the resolution, H. Res. 1765.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2010

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 987) to protect girls in developing countries through the prevention of child marriage, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 987

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 ''International Protecting Girls by Preventing Child Marriage Act of 2010''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Child marriage, also known as ''forced marriage'' or ''early marriage'', is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, ''Marriage shall be entered into only with the free and full consent of intending spouses''.

(3) According to the United Nations Children's Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Between ½ and ¾ of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(5) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(6) Child marriage has negative effects on the health of girls, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(7) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(8) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(9) Secretary of State Hillary Clinton has stated that child marriage is ''a clear and unacceptable violation of human rights'', and that ''the Department of State categorically denounces all cases of child marriage as child abuse''.

(10) According to an International Center for Research on Women analysis of Demographic and Health Survey data, areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married are considered high-prevalence areas for child marriage.

(11) Investments in girls' schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

SEC. 3. CHILD MARRIAGE DEFINED.

In this Act, the term ''child marriage'' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident or, where there is no such law, under the age of 18.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights, and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries through the promotion of educational, health, economic, social, and legal empowerment of girls and women.

(2) PRIORITY.—In providing assistance authorized under paragraph (1), the President shall give priority to—

(A) areas or regions in developing countries in which 40 percent or more of girls under the age of 18 are married; and

(B) activities to—

(i) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(ii) establish pilot projects to prevent child marriage; and

(iii) share evaluations of successful programs, program designs, experiences, and lessons.

(b) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a multi-year strategy to prevent child marriage and promote the empowerment of girls at risk of child marriage in developing countries, which should address the unique needs, vulnerabilities, and potential of girls under age 18 in developing countries.

(2) CONSULTATION.—In establishing the strategy required by paragraph (1), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(3) ELEMENTS.—The strategy required by paragraph (1) shall—

(A) focus on areas in developing countries with high prevalence of child marriage;

(B) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms, and the rule of law;

(C) encompass programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building; and

(D) be submitted to Congress not later than one year after the date of the enactment of this Act.

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the President should submit to Congress a report that includes—

(1) a description of the implementation of the strategy required by subsection (b);

(2) examples of best practices or programs to prevent child marriage in developing countries that could be replicated; and

(3) an assessment, including data disaggregated by age and sex to the extent possible, of current United States funded efforts to specifically prevent child marriage in developing countries.

(d) COORDINATION.—Assistance authorized under subsection (a) shall be integrated with existing United States development programs.

(e) ACTIVITIES SUPPORTED.—Assistance authorized under subsection (a) may be made available for activities in the areas of education, health, income generation, agriculture development, legal rights, democracy building, and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) support for activities to educate girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) support for activities to reduce education fees and enhance safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) support for activities that allow adolescent girls to access health care services and proper nutrition, which is essential to both their school performance and their economic productivity;

(5) assistance to train adolescent girls and their parents in financial literacy and access economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) support for education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gender equality, which in turn help to increase the perceived value of girls;

(7) assistance to create peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) support for local advocacy work to provide legal literacy programs at the community level to ensure that governments and

law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 6. RESEARCH AND DATA.

It is the sense of Congress that the President and all relevant agencies should, as part of their ongoing research and data collection activities—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

''(g) The report required by subsection (d) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.''; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

''(i) The report required by subsection (b) shall include, for each country in which child marriage is prevalent, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law or under the age of 18 if no such law exists, in the country in which such girl or boy is a resident.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in support of S. 987, the International Protecting Girls by Preventing Child Marriage Act of 2010 and yield myself as much time as I may consume. Mr. Speaker, this legislation, S. 987, is the corresponding legislation to legislation introduced by our colleague from Minnesota (Ms. MCCOLLUM), H.R. 2103.

Child marriage is one of the most harmful practices affecting girls in the developing world today. Globally, more than 60 million girls under the age of 18, many only 12 or 13, are married, usually to men more than twice or three times their age. Between one-half and three-fourths of all girls are married before the age of 18 in countries such as Chad, Mali, Bangladesh, and Nepal. Should these numbers remain consistent in the next 10 years, there will be 25,000 new child brides every day.

Marrying at such a young age comes at a terrible cost for these girls—girls who, in most developed countries, would otherwise still be happily playing sports and singing in their school choir. These young girls are at an increased risk for health problems like HIV/AIDS due to the sexual history of their older partners. In addition, young girls are at risk of complications during pregnancy and childbirth. In fact, childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

Not only are child brides at a higher risk for disease and death during childbirth, they are frequently victims of domestic abuse. Premature marriage deprives girls of their dignity and dooms these girls to a life of poverty and dependence. It is for these reasons, and many more, that child marriage is categorized as both child abuse and a violation of human rights.

Poverty and a lack of education are both key contributing factors to why young women fall victim to child marriages. Girls who live in impoverished homes are twice as likely to marry under 18, and 60 percent of girls involved in child marriages have no education.

Families struck by poverty cannot afford to keep their daughters in school and often do not have the resources to provide for their daughters at all. Marrying off female children is often the only alternative for struggling families. With an often false promise of a better life for their daughters, parents marry their girls off at an all-too-early age.

However, there are undoubtedly better alternatives. This bill before us seeks to eliminate the harmful practice of child marriage overseas. It requires an integrated, strategic approach by our government to reduce the incidence of child marriage by authorizing the President to provide assistance through multilateral, nongovernmental, and faith-based organizations to prevent the incidence of child marriage and to promote the educational, health, economic, social, and legal empowerment of girls and women. It also requires the President to establish a multiyear strategy in developing countries and promote the empowerment of girls at risk of child marriage.

Mr. Speaker, we need to invest in these young girls and provide safe spaces where they can evolve socially and become self-sufficient. Empowering young girls through education can help prevent child marriages and lead to a brighter and healthier future for millions worldwide.

I want to thank Representatives MCCOLLUM and CRENSHAW for their leadership on this bill, and I encourage my colleagues to support the bill, which will be an invaluable investment in the future of millions of girls around the world.

Mr. Speaker, I am now pleased to yield 7 minutes to the gentlelady from Minnesota (Ms. MCCOLLUM), the author, along with Congressman CRENSHAW, of the corresponding House legislation.

Ms. MCCOLLUM. Mr. Speaker, every year in the world's poorest countries, millions of girls are forced into marriage. Girls as young as age 8, but often 13, 14, and 15 years old, are sold by impoverished parents to settle debts or they are given away to become the wives of men who are years or even decades older. For a young girl, a child, to be forced into marriage to an adult man can only be described as a life of slavery, child molestation, and servitude. This is not marriage. It is a violation of the most basic human rights of a child.

On the floor today is S. 987, the International Protecting Girls by Preventing Child Marriage Act, a bill that was passed unanimously in the United States Senate. Let me repeat. This bill passed unanimously. Every Republican and every Democrat in the Senate supported it.

I want to commend Senators RICHARD DURBIN and OLYMPIA SNOWE, along with the other bipartisan cosponsors, for their tremendous efforts to protect vulnerable girls.

It is my honor to be the sponsor of the companion bill in the House, and I want to thank my Republican colleagues, Mr. CRENSHAW, Mr. LATOURETTE, Mr. SCHOCK, and Mr. LATHAM, for their bipartisan support for ending child marriage.

According to UNICEF, child marriage is ''the most prevalent form of sexual abuse and exploitation of girls.'' One in every seven girls in the developing world is forced into marriage sometime before the age of 15, millions of girls every year.

A 13-year-old that is forced into marriage will not go to school. She is most certainly guaranteed to be a victim of domestic violence. She is condemned to a lifetime of poverty, and she is more likely to die or be disabled in childbirth, and because she is a child, her infant is more likely to die.

HIV infection, maternal death, child death, gender-based violence, and extreme poverty are all deadly obstacles to development that destroys families, weakens communities, and destabilizes countries. Child marriage contributes to all of these destructive problems.

The photo I have with me was taken by a brilliant photojournalist, Stephanie Sinclair, who documented child marriage in Afghanistan. This 11-year-old girl in this photo, Ghulam, is not seated with her grandfather. The man next to this child is her husband-to-be. This little girl's father gave her away to be married because he was too poor to care for her. Ghulam's value to her husband comes from her ability to work in the field, care for animals, and

because she's a virgin. In this country, a man treating an 11-year-old as his wife would be imprisoned as a sexual predator, a pedophile. In Afghanistan, an 11-year-old's abuser is her husband.

□ 1950

It does not matter where in this world an 11-year-old girl is; she should never be anyone's wife. Today we have an opportunity to put the lives of vulnerable girls ahead of what is all too common at times partisan political games that take place in this House. Today we can show our constituents in the world that the life of every girl has value and limitless potential if they can grow up free from exploitation.

It is my firm belief that girls, girls everywhere—in America, in Ethiopia, in Afghanistan—deserve the right to enter adulthood with the freedom to decide for themselves who their husband will be. A girl is not a commodity to be traded. She is a precious member of a community who needs to be valued and allowed to grow into adulthood.

This Congress and the American people spend billions of tax dollars on foreign assistance. The U.S. has a direct interest and an opportunity to ensure that girls in the developing world can grow up to be healthy, productive, contributing members of their communities and their countries.

Not only do girls deserve the right to choose their future husband; they deserve the opportunity to get an education, to contribute their skills and their talents to develop their countries.

This legislation supports and expands the successful models already in place for promoting girls' education, protecting the human rights of girls, and eliminating the practice of child marriage. This bill authorizes existing State Department funds to be used to implement a strategy to protect girls from being forced into marriage. This bill does not spend one additional dollar that is not already appropriated by Congress for health, education, democracy, or other development activities.

Earlier this week, I was honored to receive a letter from Archbishop Desmond Tutu of South Africa, urging the House to pass S. 987. The letter says: ''Child marriage is a harmful practice that treats young girls as property, stops their education, and robs them of their childhood and dignity.'' The archbishop goes on: ''We thank you for your attention and dedication to passing this bill before Congress adjourns. By doing so, you may help make the difference between lives of opportunity or enslavement for millions of young girls in the developing world.''

Mr. Speaker, child marriage is sanctioned sexual abuse that destroys girls' lives. The choice before this Congress is to do nothing as young girls and children continue to be enslaved, raped, and condemned to a life of abuse and poverty; or we can join the U.S. Senate and vote to pass this legislation and have the United States stand with millions of girls today and tomorrow who seek nothing more than the freedom, the opportunity, and the time to be allowed to be children and grow into adulthood without being forced into marriage.

I thank Chairman BERMAN for his support, and I urge all my colleagues to vote to protect millions of girls in this world from sexual abuse.

THE ELDERS FOUNDATION,
London, UK, December 13, 2010.

Hon. BETTY MCCOLLUM,
Longworth House Office Building,
Washington, DC.

Hon. ANDER CRENSHAW,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVES MCCOLLUM AND CRENSHAW: As Chair of The Elders, I am writing to thank you for your leadership and support of the International Protecting Girls by Preventing Child Marriage Act (S. 987 and H.R. 2103). The Senate passed the bill by unanimous consent on 1 December 2010, and we now encourage the House of Representatives to pass this important measure.

As an independent group of global leaders, brought together by Nelson Mandela, we seek to address major causes of human suffering and promote the shared interests of humanity. Part of that effort involves speaking out about gender discrimination and the oppression of girls and women, issues we know many members of the House care about as well.

Child marriage is a harmful practice that treats young girls as property, stops their education and robs them of their childhood and dignity. Child brides are at far greater risk of dying in childbirth, while their children are also less likely to survive infancy than the children of older mothers. Often married to much older men, child brides are more vulnerable than their unmarried peers to sexually transmitted diseases including HIV and AIDS. There is compelling evidence that child marriage is a significant brake on the achievement of no less than six of the eight Millennium Development Goals. UNICEF estimates that in developing countries, 60 million girls now aged 20–24 were married under the age of 18. That number is likely to increase by 100 million over the next decade if these trends continue.

In our recent Washington Post op-ed, President Mary Robinson and I told the story of Dhaki, a 13-year-old girl from Ethiopia who was married to a man eleven years her senior. Her husband regularly forced himself upon her. Her cries were ignored by neighbours who shunned her for not respecting the wishes of her husband. Thanks to a local development program, Dhaki has since been freed from this torture and is continuing her education.

My fellow Elders and I strongly believe that the International Protecting Girls by Preventing Child Marriage Act can provide assistance to developing countries to help them reduce child marriage rates and promote the empowerment of girls and women worldwide. It will help innocent girls like Dhaki who were trapped in abusive, forced marriages that amount to a modern version of slavery. Please consider this letter a public endorsement of this legislation by The Elders.

We thank you for your attention and dedication to passing this bill before Congress adjourns. By doing so, you may help make the difference between lives of opportunity or enslavement for millions of young girls in the developing world.

God Bless You.

ARCHBISHOP DESMOND TUTU,
Chair.

Mr. BURTON of Indiana. I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I rise today in support of the International Protecting Girls By Preventing Child Marriage Act.

Recently, Nelson Mandela asked a group of the world's most thoughtful and experienced political and moral leaders to identify the largest issues fueling humanitarian problems, and forced child marriage is at the top of the list. Child marriage denies girls the chance to get a full education. Every country in the world that has advanced has educated their women as the first step. Child marriage prevents girls from contributing to their communities in the fullest way possible, and it contributes to the health crisis among women and babies in countries around the world.

In the next 10 years, it's estimated that over 100 million young girls will be forcibly married if we don't act, and the policy of the United States right now is to write more reports. With this bill, we can make a huge difference with no additional taxpayer moneys being spent. This bill gives clear guidelines on how already-appropriated moneys are to be spent in countries with the greatest problems, in ways that are culturally sensitive and community-based. It requires the State Department to track the issue annually as part of our human rights considerations.

Mr. Speaker, this bill will save lives and save dreams, and I urge my colleagues on both sides of the aisle to support it.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

I rise, as do others on our side of the aisle today, as a supporter of efforts to combat child marriage in developing countries but in opposition to the Senate bill that we are considering today. I want you to know, before I make all my remarks, that I have actually seen forced child marriages in countries like Saudi Arabia firsthand. And it is a horrible thing, and I am very supportive of stopping that practice.

It's truly distressing to know that there still are countries where underage girls, like in Saudi Arabia, are compelled to marry much older men and lose their innocence and hope forever. The health of such young girls can suffer, as can their future opportunities to lead productive lives filled with normal social and economic opportunities, lives in which they can contribute with their full potential to their societies and their economies.

Concern over this problem is not a partisan issue. For example, in response to the plight of such young

women and to ensure that the prevention of child marriage is an integral part of U.S. efforts to promote respect for fundamental universally recognized human rights, in May of last year, Ranking Member ROS-LEHTINEN of the Foreign Affairs Committee expressly included pertinent language in the Republican alternative version for the State Department authorization bill, H.R. 2475.

However, much has changed in our domestic fiscal environment over the course of the last 2 years. Here at home, we have Americans who are losing their houses, their homes, State and local governments that are on the verge of bankruptcy, cities that are reducing their police and firefighting forces, an economy that is close to stalling due to lack of growth, and I could go on and on. But in light of all these facts, even the provision that had been included in the Republican proposal, or the authorization of State Department operations, last year would now need to be revised to cut spending and address the budgetary challenges that we face.

Regrettably, the bill adopted by the Senate that we are considering today does not reflect the current fiscal realities. The Congressional Budget Office has stated that the manner in which the provisions of this bill are drafted would result in $108 million of authorized funding and $67 million in actual outlays over the next few years, which is different than what we have heard here on the floor.

□ 2000

Further, despite inquiries to the Congressional Research Service and, through CRS, the State Department and Agency for International Development, there is apparently no available confirmed figure on exactly how much aid the United States already provides to fight child marriage overseas.

We do know that such U.S. assistance programs, programs that specifically include the prevention of child marriage as an objective, are already underway. But no one can tell us how much taxpayer funding is already being used to fight child marriage in developing countries.

To achieve the policy objectives we seek, while taking into account the economic challenges and limitations our Nation, our constituents are facing, this week Congresswoman ROS-LEHTINEN introduced a bill on the prevention of child marriage which enjoys the support of several of our colleagues in this House. That bill reflects modifications that Ranking Member ROS-LEHTINEN had sought to make to the Senate text before it came to the floor, but they were not accepted. Instead of the $67 million in outlays over the next 5 years in the Senate text before us, the provisions of that bill would have resulted in less than $1 million in potential costs.

The Republican alternative proposed the following:

First, we make it clear that child marriage is a violation of human rights and that its prevention should be a goal of U.S. foreign policy;

Second, since there's currently no legislative requirement for a U.S. strategy for assistance to prevent child marriage, we require the creation of such a multiyear strategy;

Third, we require a report within 1 year that would inform us on the progress of the required strategy and, perhaps more important, give us a comprehensive assessment of what we already are doing and funding in the effort to fight child marriage; and

Finally, that the practice of child marriage in other countries be reported each year as part of the annual Human Rights Report, and that the practice of child marriage also be reported for those countries that are potential recipients of U.S. security assistance.

I believe the alternative approach that was proposed would have achieved the goals we desire without adding to our economic burdens. Regrettably, we are faced with S. 987 and its price tag of $67 million.

Mr. Speaker, having outlined my concerns with the bill before us today, I ask my colleagues to vote ''no'' on this bill.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I assume the gentleman from Indiana has no further speakers.

Mr. BURTON of Indiana. I have no further speakers, but I will add one more comment if I may, and that is: Make no mistake about it——

Mr. BERMAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Well, I have not yielded my time, so I will use my time. I will be happy to use your time.

Mr. BERMAN. I would yield the gentleman such time as he may consume, up to a point, everything except 1 minute.

Mr. BURTON of Indiana. I won't take the full minute. Thank you, Mr. Chairman.

Let me just say that I don't want anyone to think we're not very sympathetic to the problem. We are, but the fiscal problems we face in this country right now are of paramount concern to all of us. And for that reason, we must bring this to a vote, and that's the reason why I ask for it.

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

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume. And I do it simply in the context of urging my colleagues to vote for this legislation; to point out, number 1, that this is not an entitlement program. This is an authorization. It is not an appropriation.

To the extent, after we pass this legislation and it is signed into law, that the statement takes its appropriated resources and uses some of those resources to develop the strategic plan to work with these organizations for what the gentleman himself concedes is a very important cause, those resources will come from some other form of resources. They will not be additional spending unless there is an appropriation. And this bill is not an appropriations bill; it is an authorization bill.

I urge my colleagues to support it. It's a critical issue.

Ms. SLAUGHTER. Mr. Speaker, I rise today in support of the International Protecting Girls by Preventing Child Marriage Act.

Child marriage is an international epidemic, with 100 million girls projected to marry in the next decade.

Not only do these young girls lose the opportunity to achieve their full potential, but they also are at risk for serious health consequences. Childbirth is five times more deadly for girls under 15 than for women in their twenties, and pregnancy is the most common cause of death for girls between the age of 15 and 19.

HIV/AIDS is another serious risk for child brides, as they frequently marry more sexually experienced men. In many countries in sub-Saharan Africa, girls under the age of 19 are more than twice as likely to contract HIV as boys of the same age.

Young girls frequently experience trauma and violence in these marriages.

A front page article in The New York Times on November 7, 2010 told the story of Farzana, a young girl living in Afghanistan.

Although she dreamed of being a teacher, Farzana was engaged at age 8 and married four years later. Her husband beat her for the first time on her wedding day, and the beatings continued for four years. She was forbidden to see her mother.

Farzana tells us, ''I thought of running away from that house, but then I thought: what will happen to the name of my family? No one in our family has asked for divorce. So how can I be the first?''

Left with few choices, Farzana set herself on fire. After burning half her body, she lived—but only after 57 days in the hospital and multiple surgeries.

Farzana's dream of becoming a teacher was killed by a premature marriage.

She—and millions of others like her—deserve better.

The bill that we are considering today will help realize the dreams of many young girls like Farzana by expanding assistance to prevent child marriage and empower girls around the world.

Young girls everywhere deserve the opportunity to make their own decisions and determine their own destiny.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, S. 987.

The question was taken.

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

Mr. BURTON of Indiana. 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 4853, TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010

Mr. POLIS (during consideration of S. 987), from the Committee on Rules, submitted a privileged report (Rept. No. 111–682) on the resolution (H. Res. 1766) providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CALLING ON STATE DEPARTMENT TO LIST VIETNAM AS A RELIGIOUS FREEDOM VIOLATOR

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 20) calling on the State Department to list the Socialist Republic of Vietnam as a ''Country of Particular Concern'' with respect to religious freedom, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 20

Whereas the Secretary of State, under the International Religious Freedom Act of 1998 (IRFA) and its amendment in 1999, and under authority delegated by the President, designates nations found guilty of ''particularly severe violations of religious freedom as 'Countries of Particular Concern' '' (CPC);

Whereas when the United States designates a nation as a CPC, the intent is to place protection and promotion of religious freedom as a diplomatic priority in bilateral relations, including taking actions specified in section 405(a)(b)(c) of the IRFA;

Whereas in November 2006, the State Department announced that the CPC designation was lifted from the Socialist Republic of Vietnam;

Whereas in explaining the lifting of the designation, State Department officials have stated that Vietnam ''has turned a corner . . . and has what looks like religious freedom'' and that Vietnam ''does not meet the criteria for a severe violator of religious freedom'' under terms set by the IRFA;

Whereas the criteria for designating countries as a CPC, as set forth in section 3(11) of the IRFA, are for ''systematic, ongoing, and egregious violations of religious freedom including violations, such as—(A) torture or cruel, inhuman, or degrading treatment of punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; and (D) other flagrant denial of the right of life, liberty, or the security of persons.'';

Whereas in 2004, the Vietnamese National Assembly issued Directive 21/2004/PL–UBTVQH11 to regulate religious activities;

Whereas this directive contains several articles that seriously interfere with religious freedom and impose heavy government control on religious activities;

Whereas, on September 15, 2004, the State Department added Vietnam to the CPC list and Ambassador at Large for International Religious Freedom, John Hanford, stated, ''at least 45 religious believers remain imprisoned . . . Protestants have been pressured by authorities to renounce their faith, and some have been subjected to physical abuse.'';

Whereas to avoid possible sanctions or other ''commensurate actions'' recommended by section 405(a)(b) of the IRFA, in May 2005 the United States and Vietnam reached a ''binding agreement'' consistent with section 405(c) of the IRFA;

Whereas although the terms of that ''binding agreement'' have never been fully publicized, the United States Commission on International Religious Freedom 2006 Annual Report stated that the United States agreed to lift the CPC designation if the Government of Vietnam fully implemented legislation on religious freedom and rendered previous contradictory regulations obsolete, instructed local authorities strictly and completely to adhere to the new legislation to ensure compliance, facilitated the process by which religious congregations are able to open houses of worship, and gave special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties;

Whereas the Unified Buddhist Church of Vietnam (UBCV), the Hoa Hao Buddhists, and the Cao Dai groups continue to face unwarranted abuses because of their attempts to organize independently of the Vietnamese Government, including the detention and imprisonment of individual members of these religious communities;

Whereas villagers of Con Dau, Da Nang, have suffered severe violence, including beatings with batons and electric rods during a May 2010 incident, at the hands of Vietnamese Government officials for attempting to protect their historic Catholic cemetery and other parish properties from an attempted government forced sale of these properties;

Whereas over the last 3 years, 18 Hoa Hao Buddhists have been arrested for distributing sacred texts or publically protesting the religious restrictions placed on them by the Vietnamese Government, at least 12 remain in prison, including 4 sentenced in 2007 for staging a peaceful hunger strike;

Whereas five members of the Cao Dai religious community remain in prison for distributing materials in Cambodia critical of the Vietnamese Government's restrictions on Cao Dai religious practice, for this action they were sentenced to up to 13 years imprisonment;

Whereas five Khmer Buddhists were arrested in February 2007 for organizing peaceful demonstrations opposing the restriction of language training and ordination ceremonies for Khmer Buddhist monks;

Whereas Protestants continue to face beatings and other ill-treatment, harassment, fines, threats, and forced renunciations of faith;

Whereas according to Human Rights Watch, 355 Montagnard Protestants remain in prison, arrested after 2001 and 2004 demonstrations for land rights and religious freedom in the Central Highlands;

Whereas according to the United States Commission on International Religious Freedom, there are reports that some Montagnard Protestants were imprisoned because of their religious affiliation or activities or because religious leaders failed to inform on members of their religious community who allegedly participated in demonstrations;

Whereas according to the United States Commission on International Religious Freedom 2008 Annual Report, religious freedom advocates and human rights defenders Nguyen Van Dai, Le Thi Cong Nhan, and Fr. Thaddeus Nguyen Van Ly are in prison under Article 88 of the Criminal Code and Fr. Nguyen Van Loi is being held without official detention orders under house arrest;

Whereas at least 15 individuals are being detained in long term house arrest for reasons related to their faith, including the most venerable Thich Quang Do and most of the leadership of the UBCV;

Whereas according to United States Commission on International Religious Freedom 2008 Annual Report, there are still too many abuses of and restrictions on religious freedom;

Whereas UBCV monks and youth groups leaders are harassed and detained and charitable activities are denied, Vietnamese officials discriminate against ethnic minority Protestants denying medical, housing, and education benefits to children and families, an ethnic minority Protestant was beaten to death for refusing to recant his faith, over 600 Hmong Protestant churches are refused legal recognition or affiliation, leading to harassment, detentions, and home destructions, and a government handbook on religion instructs government officials to control existing religious practice, halt ''enemy forces'' from ''abusing religion'' to undermine the Vietnamese Government, and ''overcome the extraordinary growth of Protestantism.'';

Whereas since August 2008, the Vietnamese Government has arrested and sentenced at least eight individuals and beaten, teargassed, harassed, publicly slandered, and threatened Catholics engaged in peaceful activities seeking the return of Catholic Church properties confiscated by the Vietnamese Government after 1954 in Hanoi, including in the Thai Ha parish;

Whereas in September 2008, immediately preceding a visit by Deputy Secretary of State, John Negroponte, Vietnam arrested five journalists and human rights defenders, including two journalists and bloggers reportedly covering the prayer vigils held by Catholics in Hanoi; and

Whereas the United States Commission on International Religious Freedom, prominent nongovernmental organizations, and representative associations of Vietnamese-American, Montagnard-American, and Khmer-American organizations have called for the redesignation of Vietnam as a CPC: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly encourages the Department of State to place Vietnam on the list of ''Countries of Particular Concern'' for particularly severe violations of religious freedom;

(2) strongly condemns the ongoing and egregious violations of religious freedom in Vietnam, including the detention of religious leaders and the long-term imprisonment of individuals engaged in peaceful advocacy; and

(3) calls on Vietnam to lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

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

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

This resolution calls on the State Department to list the Socialist Republic of Vietnam as a ''Country of Particular Concern'' with respect to religious freedom.

I want to thank my colleague, Congressman ED ROYCE of California, for introducing this important resolution.

This year marks 15 years since the normalization of diplomatic relations between the United States and Vietnam. Bilateral relations have deepened in recent years with Hanoi emerging as an important partner in ensuring a peaceful and secure Asia-Pacific region.

We have seen close cooperation on a number of important fronts, including regional security and nonproliferation. Unfortunately, the lack of progress in the area of protecting basic rights and civil liberties enshrined in Vietnam's constitution remains an impediment to our bilateral ties.

Since the Bush administration lifted the ''Country of Particular Concern'' designation for Vietnam in November of 2006, freedom of religion and expression have come under increasing attack. Hanoi has tightened its control of religious organizations with numerous reports documenting physical harassment, intimidation, surveillance, seizure of church properties, arrests, and other forms of ill treatments made against Catholics, Protestants, Khmer Buddhists, and others.

As Secretary Clinton rightfully noted during her visit to Hanoi this October, the United States takes notice of these curbs on religious freedom in Vietnam. Two recent events stand out as particularly egregious.

First is the dispute at Bat Nha pagoda last September, when 400 monks and nuns were assaulted and forcibly evicted. The majority of these monks and nuns have subsequently left Vietnam due to a lack of protection by the government.

More recently, this May, several hundred Vietnamese Catholic villagers in Con Dau were attacked by tear gas and bullets, during a funeral procession, for refusing to relocate as the government had ordered. Several detainees have been held incommunicado since May and have not been allowed to visit their families.

I urge my colleagues to support this resolution and stand up for religious freedom in Vietnam.

I will be handing over the management of this legislation for the remainder of the time to the chairman of the Asia and Pacific Islands Subcommittee of the House Foreign Affairs Committee, Mr. FALEOMAVAEGA.

I reserve the remainder of my time.

The SPEAKER pro tempore (Mr. TONKO). Without objection, the gentleman from American Samoa will control the time.

There was no objection.

□ 2010

Mr. BURTON of Indiana. Mr. Speaker, I yield 5 minutes to our very good friend and colleague, the ranking member of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade, the author of the measure, Mr. ROYCE of California.

Mr. ROYCE. Mr. Speaker, as author of this resolution, I rise in support of House Resolution 20, calling on the State Department to list the Socialist Republic of Vietnam as a Country of Particular Concern with respect to religious freedom.

I also want to say I appreciate very much the assistance of Chairman BERMAN in bringing this to the House floor, the assistance of Ranking Member ROS-LEHTINEN, and Mr. BURTON, but also the assistance of Congressman Joseph Cao in his support and his concern about this issue.

I would like to share with the Members in this body today that the House of Representatives has an opportunity to send a very strong message to the Communist government in Vietnam. And that message, if we pass this resolution, is that its abuses against peaceful religious practitioners of all faiths and all creeds are unacceptable.

As we reflect for a minute on some of the conditions that those who practice their faith have to contend with in Vietnam, you think about the 350 Montagnard Christians who remain imprisoned for their beliefs, other religious groups like the Unified Buddhist Church of Vietnam, the Hoa Hao Buddhists, the Cao Dai Buddhists. They face severe persecution from the Communist government of Vietnam.

Recently, residents of Con Dau, Da Nang, have suffered severe violence, including beatings with batons, beatings with electric rods during a May assault at the hands of Vietnamese government officials. And what was the charge? Attempting to protect their historic Catholic cemetery from government seizure.

I met with the Venerable Thich Quang Do in Vietnam. I had several conversations with him. He was under house arrest. He has spent the last 33 years of his life either in prison or under house arrest.

I think for a minute about Pastor Nguyen Cong Chinh whose picture is right here. He has been interrogated more than 300 times, he has been beaten over 20 times, and this is a photograph after one of those beatings. He is one of the many faces, I would say battered faces, of religious freedom in Vietnam.

In its 2010 annual report, the U.S. Commission on International Religious Freedom found as follows:

''Vietnam's overall human rights record remains poor and has deteriorated.'' They cite police officers and plainclothesmen and the Religious Security Police—yes, the Religious Security Police—routinely harassing and intimidating those who pray outside of government-approved religions. They cite beatings with electric batons, sexual assault of monks, and confiscation of property and forced evictions.

While the State Department has documented some of these abuses, real action is needed. By re-listing Vietnam as a CPC, as this resolution instructs, the State Department could bring about real change. In addition to the naming and shaming aspect of the report, a wide range of sanctions, from limitations on foreign aid to denial of visas for those in the government, can be levied on the regimes that carry out these abuses. Unfortunately, the Obama administration hasn't used this tool. This will make that tool available.

Some will ask if a CPC redesignation can have any impact. Well, let's look at the prior experience on this. After being listed as a CPC in 2004, Vietnam immediately released several prominent dissidents and democracy advocates, and issued ordinances that prohibited the forced renunciation of faith. These were concrete results achieved with a CPC designation, and more can be achieved with a re-listing of Vietnam. Sadly, after Vietnam was permanently removed from the list in 2006, religious freedom and tolerance has been on a continuous downward slide.

The Vietnam War is history. We have deepening relations with Vietnam. But that fact doesn't mean we should short-change religious liberty. Frankly, we know that raising these issues with Hanoi isn't on the top of our diplomats' list. They are uncomfortable with raising these human rights abuses. But by putting Vietnam on this list, where it belongs, we are at least giving promoting religious freedom a chance of being part of our policy towards Vietnam.

Mr. Speaker, it is time to put the House on record in support of the Vietnamese people and religious freedom in Vietnam. Indeed, the right to freely practice your religion is a universal sacred right.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield 6 minutes to my very good friend from Louisiana (Mr. CAO).

Mr. CAO. Mr. Speaker, the International Religious Freedom Act, or IRFA, requires the U.S. Commission on International Religious Freedom to prepare an annual report on the state of religious freedom throughout the world. IRFA also provides that any country which commits systematic, ongoing, and egregious violations of religious freedom be placed on a list of

countries of particular concern, or CPC, which opens these nations up to economic sanctions by the United States.

After several years of urging from the U.S. Commission on International Religious Freedom, Vietnam was eventually designated a Country of Particular Concern in 2004 and 2005, and this designation led to modest but unprecedented improvements in the government's treatment of worshippers.

Since 2006, however, the U.S. State Department has declined to designate Vietnam as a CPC, and during the ensuing 4 years there have been no further significant improvements and even some backtracking in the progress made on the ability for those of faith to freely practice their religion.

The October 2009 report of the U.S. Commission on International Religious Freedom found:

''There continue to be far too many serious abuses and restrictions of religious freedom in Vietnam. Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy. Police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; and legal protection for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretation based on political factors.''

''In addition, improvements experienced by some religious communities are not experienced by others, including the Unified Buddhist Church of Vietnam, independent Hoa Hao, Cao Dai, and Protestant groups, and some ethnic minority Protestants and Buddhists. Also, over the past year property disputes between the government and the Catholic Church in Hanoi led to detention, threats, harassment, and violence by contract thugs against peaceful prayer vigils and religious leaders.''

There are disturbing reports from the northern highland of public officials forcing believers to renounce their faith and documented cases in the central highland of religious prisoners being taken. Elsewhere, violent actions against Catholics at Tam Toa, Bau Sen, Loan Ly, and against Buddhists at Bat Nha and Phuoc Hue seem to have increased in frequency and intensity.

More systematically, property seizure has been used as a means to control religious practice. Since the complete takeover of South Vietnam in 1975, the Communist government of Vietnam has seized many religious institutions and effectively banned their existence. A prime example is the complete property seizure of the Unified Buddhist Church of Vietnam in 1981, leading to its dissolution. The Unified Buddhist Church of Vietnam has been outlawed since, and its religious leaders have been constantly harassed. Other religions such as the Hoa Hao Buddhist and the Cao Dai have suffered a similar fate.

Almost as a rule, all land disputes against the Catholic Church in Vietnam result in violence. A great number of Catholic institutions in North Vietnam have been seized in the 1950s and in South Vietnam since the takeover in 1975.

□ 2020

Parishioners of Thai Ha Church in Hanoi were beaten by police and government thugs while attending a prayer vigil for the return of the church's properties. They also proceeded to desecrate or destroy religious symbols and properties. Those who were perceived to be leaders of these protests were arrested. This pattern of abuse has been repeated the last few years at parishes, including Dong Chiem and the St. Paul of Chartres Monastery in the Diocese of Vinh Long.

More recently, the government of Da Nang City ordered the Catholic town of Con Dau, among surrounding towns, to vacate their homes, farmlands, and their historic cemetery to make way for a high-end resort to be built by a joint venture with private companies.

When the people of Con Dau resisted the order, violence broke out during the funeral procession of a member of the parish. The police seized the casket and cremated the body of the deceased, against her last wish. Many members of the funeral procession were beaten, arrested, convicted and sentenced to prison on trumped-up charges. Others have fled the country and are seeking asylum. Mr. Nguyen Nam, a member of the funeral procession, was interrogated numerous times and died after severe beatings.

Mr. Speaker, does anyone in this distinguished Chamber doubt the need for us to take action? How can we as a Nation stand by idly while a government that we increasingly supported with improved ties over the past 15 years commits such atrocities against its own people?

As a Vietnamese American, I ask for the passage of House Resolution 20, calling on the State Department to list the Socialist Republic of Vietnam as a Country of Particular Concern.

Mr. FALEOMAVAEGA. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield 5 minutes to one of the great advocates of human rights, not only in Vietnam but around the world, a leader on the Foreign Affairs Committee, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding. I want to thank Mr. ROYCE for this very, very important and timely resolution, and both the chairman and ranking member, Chairman BERMAN and ILEANA ROS-LEHTINEN, for bringing this very, very important resolution to the floor as the session winds down.

Mr. Speaker, in early July, Nam Nguyen, this is Nam Nguyen right here, a Catholic from Con Dau, was savagely beaten to death for his faith by the Vietnamese police. His brother, Tai Nguyen, testified at an August Tom Lantos Human Rights Commission hearing that police repeatedly kicked his brother in the chest and the back and on his temples. Of course, that means there are fewer marks on the face, but his body was riddled with punches and broken bones.

''Blood,'' he said, ''poured out of his nose and ears.'' Tai said his brother told his wife he couldn't handle the beatings anymore. The wife, seeing her husband's broken body, kneeled in front of the police and begged them to stop. In response, they punched and kicked him again and again and again, and Nam Nguyen died in his wife's arms, this man right here.

What was Nam Nguyen's alleged crime? His faith in Jesus Christ and his devotion to his Catholic parish. The entire Catholic community and its property in Con Dau, you see, is in the process of being confiscated or stolen by the Vietnamese authorities. The faithful are a ripe target for the atheistic Government of Vietnam. The proximate cause for the crackdown and unspeakable violence was the May 4 funeral of an elderly woman and an attempt to bury her in the town's Catholic cemetery.

Nam Nguyen was a pallbearer when the police busted up the funeral procession of over 1,000 people, beating over 100 mourners, arresting dozens, and deliberately beating two pregnant women so as to kill their unborn babies. They even tried to take the casket. The reign of terror on this 85-year-old Catholic community continues to this day. At least two remain in prison, and the persecution shows no sign of abating.

What happened in Con Dau isn't an isolated incident. According to the U.S. Commission on International Religious Freedom, its annual 2010 report, ''Property disputes between the government and the Catholic Church continue to lead to harassment, property destruction and violence, sometimes by contract thugs hired by the government to break up peaceful prayer vigils.'' Now we know that includes funerals as well. Other faith communities have seen a significant spike in harassment, persecution, confiscation, and violence as well.

Mr. Speaker, in 2005, I led a human rights mission to Hanoi, Hue and Ho Chi Minh City. I met with almost 60 pastors, priests and leading Buddhists, including the Venerable Thich Quang Do, who was under pagoda arrest. All expressed hope and varying degrees of optimism due to an apparent easing of religious persecution in Vietnam.

U.S. Ambassador at Large for International Religious Freedom John Hanford told us that there were promises of further reform made and what he called ''deliverables,'' concrete actions by the Vietnamese Government that it said it would do in the area of religious freedom, coupled with a trade agreement, and all of that led to the lifting

of the Country of Particular Concern, or CPC, designation.

Do you know what happened then? Hanoi responded with a massive retaliation against both political and religious believers. Signers of Bloc 8406, the magnificent human rights manifesto promoting respect for the rule of law and nonviolence, a manifesto that parallels China's Charter 08 and Czechoslovakia's Charter 77, were hunted down methodically and imprisoned. Many religious believers who expected a thaw and reform and openness were arrested and in some cases rearrested and sent to prison.

Father Ly, this man here, is a Catholic priest and a prisoner of conscience for 17 years in jail, a man who committed no crimes. I met Father Ly when he was under house arrest in Hue. He was rearrested in 2007, held in confinement and denied emergency medical attention. So bad is he that even the Vietnamese let him out under kind of a humanitarian parole, but he is still under arrest.

Look at this picture of him taken at trial. Look at the animosity in the eyes of these guards. And when they get behind closed doors, Mr. Speaker, they beat and they break bones and they break heads, and it leads to death or permanent maiming.

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

Mr. BURTON of Indiana. I yield the gentleman an additional 1 minute.

Mr. SMITH of New Jersey. Did CPC designation help mitigate religious persecution prior to being lifted? It appears so. The U.S. Commission on Religious Freedom notes that Hanoi released prisoners, it expanded some legal protections for nationally recognized groups, and prohibited the policy of forced renunciations, at least in some cases, and expanded the zone of toleration.

Congress, the President, and all of us who espouse fundamental human rights ought to be outraged at Vietnam's turn for the worse. We should stand with the oppressed, and not the oppressors. President Obama should redesignate Vietnam a Country of Particular Concern for its egregious violations of human rights. CPC, independently prescribed by statute, the International Religious Freedom Act, has in the past and can again be a very, very useful tool in promoting religious liberty.

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

Mr. Speaker, I want to thank my good friend, the gentleman from Indiana, for our co-management of this important legislation, and thank my colleagues, Mr. ROYCE and Mr. CAO and my good friend Mr. SMITH, for their most eloquent statements concerning this proposed resolution.

I have no doubt in my mind in terms of the concerns that have been expressed by my colleagues, as well as the substance of this proposed resolution; but I do have some concerns. While I fully understand the concerns reflected in the resolution, which was introduced almost 2 years ago, it is based on what I believe is information that somewhat did not indicate the progress that Vietnam has made over the recent years.

□ 2030

I think if we look at the statement that was made by our current Ambassador to Vietnam, U.S. Ambassador to Vietnam, Mr. Michael Michalak, in his speech that he gave before the Human Rights Day Event at the U.S. Embassy and the American Center of Vietnam just this month, a couple of weeks ago, ''Another area where over the past 3 years I have seen strong improvements is religious freedoms where individuals are now largely free to practice their deeply felt convictions. Pagodas, churches, temples, and mosques throughout Vietnam are full. Improvements include increased religious participation, large-scale religious gatherings—some with more than 100,000 participants, growing numbers of registered and recognized religious organizations, increasing number of new churches and pagodas, and bigger involvement of religious groups in charitable activities. President Nguyen Minh Triet also met with Pope Benedict XVI at the Vatican, and Vietnam and the Holy See agreed to a Vatican appointment of a nonresident representative for Vietnam as a first step towards the establishment of full diplomatic relations.''

Ambassador Michalak first said, ''However, some significant problems remain, including occasional harassment and excessive use of force by local government officials against religious groups in some outlying locations. Specifically, there were several problematic high-profile incidents over the past year, including where the authorities used excessive force against Catholic parishioners in land disputes outside of Hanoi at Dong Chiem parish and outside of Da Nang at Con Dau parish. These incidents called into question Vietnam's commitment to the rule of law and hurt Vietnam's otherwise positive image on religious freedom. Registration of protestant congregations also remains slow and cumbersome in some areas of the country, particularly in the Northwest Highlands.''

Even so, the U.S. Department of State has not found that these incidents rise to the level of listing Vietnam as a country of particular concern, and I am confident that while recognizing and understanding the concerns reflected by the resolution and the testimony of my colleagues, the State Department will make a determination on CPC designation in keeping with the statutory requirements of the International Religious Freedom Act rather than in some responsive consideration in terms of what we are trying to do here this evening.

Despite isolated incidents which all of us oppose, Vietnam is a multireligious country with all major religions present, including Buddhism, Christianity, Protestantism, and Islam. Vietnam boasts the second largest Christian population in Southeast Asia. Vietnam has approximately 22.3 million religious followers, accounting for one-fifth of the population, and over 25,000 religious worship establishments.

According to the Vietnamese Government, so far the government has recognized 15 new religious organizations, including seven Protestant denominations, making the total of recognized religions 32. The state has assisted in the publication of the Bible in four ethnic minority languages, including Bana, Ede, Giarai, and H'Mong, and facilitated the construction and reconstruction of over 150 religious establishments.

Vietnam has four Buddhist Academies, 32 Buddhist schools, hundreds of classes on Buddhism, six grand seminaries, and one Protestant seminary. 1,177 religious leaders are actively participating in social management.

The Vietnam Episcopal Council officials attended the ad limina at the Vatican. Thousands of Catholic followers in Vietnam joined a range of activities to celebrate the 2010 Jubilee Year, including 300 years of the presence of Catholicism and 50 years of the establishment of Catholic hierarchy in the country. In June, Vietnam and the Vatican agreed to promote the process of establishing diplomatic relations, and the Pope agreed to appoint a nonresident representative of the Holy See for Vietnam.

The training and education of religious dignitaries and priests have been maintained and expanded. Throughout the country, there are around 17,000 seminarians, and Buddhist monks and nuns are enrolled in religious training courses. Vietnam has four Buddhist academies, of which the scale and training quality are being raised. Thousands of Buddhist nuns and monks also gathered for the great Buddhist Festival that marks the 1000th anniversary of the Thang Long-Hanoi from July 27 to August 2, and Vietnam is actively preparing for the Summit of World Buddhism at the end of this year.

In February of last year, the improvement of religious freedom in Vietnam was acknowledged by the Vatican Under Secretary of State, Monsignor Pietro Parolin, the Pope's Envoy, during his visit to Vietnam more than a month after House Resolution 20 was drafted and introduced. While I am no expert on Catholic relations with the Vietnamese Government, I do believe we should seriously consider Monsignor Parolin's views, since he is in a better position to speak for and on behalf of the Catholic Church, in my humble opinion.

For example, it is my understanding that some of the claims, again, of my friends of the resolution about the Catholic Church stem from land disputes and not necessarily religious disputes at all. Regardless, the Catholic

Church is moving forward in establishing better relations with Vietnam.

If one were to single out the U.S. Government's mishandling of the Waco siege in 1993, we might find ourselves at the receiving end of this resolution if other countries had chosen to take us to task when the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives failed to execute a search warrant at the Branch Davidian Ranch in Mount Carmel, located 9 miles east-northeast of Waco, Texas, at which time the siege was initiated by the Federal Bureau of Investigation, which ended 50 days later with the death of 76 people, including more than 20 children.

This said, Mr. Speaker, Vietnam recognizes that it has work to do, and Vietnam is trying to improve its record on all fronts.

Last month, I was in Hanoi, where I met with His Excellency Mr. Nguyen Van Son, chairman of the Foreign Affairs Committee, National Assembly of the Socialist Republic of Vietnam, and His Excellency Mr. Ngo Quang Xuan, vice-chairman of the Foreign Affairs Committee of the National Assembly of the Socialist Republic of Vietnam. We had serious discussions about religious freedom, and I can assure my colleagues that there is a strong commitment on the part of the Vietnamese Government to respect and facilitate religious freedom, and the central government is working with the local government to bring about this change.

Having visited Vietnam five times, Mr. Speaker, during my tenure as chairman of this subcommittee, I have also personally worshipped in Catholic parishes with local Vietnamese and, in the case of my own church, I can verify that the Government of Vietnam has been very supportive of the LDS Church as it seeks to establish official recognition in accordance with the laws of that country.

As a member of the LDS Church, I am always reluctant to oppose any resolution dealing with religious freedom because the Church of Jesus Christ of Latter-Day Saints is the only religion, Mr. Speaker, the only church in the United States against which an extermination order was issued sanctioning mass removal or extermination against American citizens. The extermination order was a military order signed by then Missouri Governor Lilburn W. Boggs on October 27, 1838, directing that the Mormons be driven from the State or be exterminated.

On June 25, 1976, after some 138 years, Governor CHRISTOPHER BOND, who is now a U.S. Senator, issued an executive order rescinding the extermination order, recognizing its legal invalidity and formally apologizing on behalf of the people of the State of Missouri for the suffering it had caused the Latter-Day Saints. I thank Senator BOND for this.

Knowing the history of the LDS Church and the short-term and long-term consequences that the forced exile of over 10,000 Latter-Day Saints—all United States citizens—had on those before and yet to come, I am firmly rooted in the belief that each of us should be allowed to claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege. Let them worship how, where, or what they may.

So while I agree in principle in speaking up for religious freedom, Mr. Speaker, and I do with utmost respect, my colleagues and those who worked so hard in bringing this resolution to the floor—this year we are celebrating 15 years of diplomatic relations with Vietnam. As one who served during the Vietnam War at the height of the Tet Offensive, I know we have come a long way, and I sincerely hope that we ought to continue making this a better effort to establish good relations with this country.

On the matter of human rights, I hope we will also consider that the U.S. cannot assume, Mr. Speaker, the moral high ground when it comes to Vietnam.

□ 2040

What I mean by this is, from 1961 to 1971, the United States Government's military sprayed more than 11 million gallons of Agent Orange in Vietnam, subjecting millions of innocent civilians to dioxin, which is a toxin known to be one of the deadliest chemicals ever made by man. Despite the suffering that has occurred ever since, there seems to be no real interest on the part of our government to clean up the mess that we left behind.

I believe we can and should do better. For this reason, Mr. Speaker, I reluctantly oppose the resolution.

I reserve the balance of my time.

Mr. BURTON of Indiana. May I inquire of the Chair how much time we have on each side.

The SPEAKER pro tempore. The gentleman from Indiana has 3 minutes remaining. The gentleman from American Samoa has 5½ minutes remaining.

Mr. BURTON of Indiana. At this time, I yield 1 additional minute to my colleague from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, the U.S. Commission on International Religious Freedom has one job, and that is to monitor religious freedom around the world. The conclusion they have come to is that the situation is so egregious in Vietnam today that that government needs to be put back on the Country of Particular Concern list now.

What they cite as the reason, as the rationale, is that, over the past 2 years, those speaking out against restrictions on religious freedom and human rights continue to be arrested; they continue to be detained. Over the past year, they have said violence by contract thugs against peaceful prayer vigils and religious leaders continues. As a matter of fact, they cite it is accelerating.

We are not talking about deaths that occurred in 1838 right now. My colleagues and I are talking about what happened 2 months ago in terms of people losing their lives in Vietnam because they are speaking out for religious freedom.

Lastly, in terms of what was shared with me by the Venerable Thich Quang Do, he said, They are not allowing us to practice our Buddhist faith. The Communist government is trying to change the faith. That is why we are speaking out.

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

Mr. Speaker, I just want to say for the record and to make absolutely clear that in no way do I have any disagreements with the concerns and the statements made by my colleagues and of their honest opinions and assessments as to the situation of religious freedom in Vietnam.

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

Mr. BURTON of Indiana. May I make an inquiry of my colleague, Mr. Speaker.

Do you have any time you would like to yield to our side?

Mr. FALEOMAVAEGA. In the spirit of democracy and bipartisanship, I would glad to yield 1 minute to my colleague from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding. I will let Mr. SMITH of New Jersey take that 1 minute and I thank him for his generosity.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, worldwide, Communist dictatorships either crush or seek to control religious organizations. I have seen this in my 30 years as a Member of Congress.

I remember in the early 1980s how the Romanian apologists, as MSM was coming up for renewal every year, would rush over and meet with Members of Congress. They would have very slick talking points about the number of churches and about the number of believers in Romania. All the while, people were suffering in the prisons, or the gulags, people who happened to be pastors or believers; and it was all part of a disinformation campaign.

I would say to my colleagues that Vietnam uses the exact same tactic. They will give you numbers. They will give you some fact sheets; but if you are a believer who is not under the control of that dictatorship and if you happen to be part of the Unified Buddhist Church, like the Venerable Thich Quang Do, and not the church or the unified or the Buddhist temples that are under the control of the government, watch out. They will be knocking on your door. You will either be under pagoda arrest or find yourself in prison. The same goes for the monsignors and the others who are evangelicals who are finding themselves being severely repressed in Vietnam.

Members really have to back this resolution.

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

Mr. BURTON of Indiana. As I understand it, Mr. Speaker, I have 2 minutes remaining.

The SPEAKER pro tempore. That is correct.

Mr. BURTON of Indiana. I am happy to yield 1 minute to my good friend from Louisiana (Mr. CAO).

Mr. CAO. Thank you very much.

In this recent trip to Vietnam that I made with Chairman FALEOMAVAEGA, I happened to visit my sister in the outskirts of Saigon. I was there for about 15 minutes. As soon as I left, guess who showed up? The police. The police showed up and interrogated my brother-in-law. They asked him why we were there, how many people were there, what did we talk about.

Now, if they were to do that to a family member of a U.S. Congressman, what would they do to the normal Vietnamese citizen in Vietnam?

There are no protections whatsoever. There is a difference between practicing your religion and practicing your faith. In practicing religion, you can go in there and pray, which is good; but practicing faith is when you have to advocate for people's rights to worship, for people's rights to defend their families, to defend their property, and to defend their faiths and their views. In that regard, the Vietnamese Government has been lacking in every aspect.

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

Mr. Speaker, I want to compliment and thank my colleague from Louisiana. In fact, it was a high privilege and honor for me to be part of our congressional delegation that visited Vietnam.

There were some very serious issues about even allowing my colleague from Louisiana to come with us because, as we all know, this government is not a democracy. It is still a Communist country, controlled by a party structure very different from ours.

What I did insist on of the officials of the Vietnamese Government was that, if my friend Congressman CAO was not going to come with me, then I wasn't going to go to Vietnam, and they did accede to our request. I think it was a real educational experience, even for the Vietnamese officials, to see that my good friend Congressman CAO was not a bad guy after all. I tried to stress the fact that, although we may belong to two separate political parties with different beliefs and understandings, it doesn't mean that we shouldn't continue to be friends.

In the aftermath of our visit to Vietnam, more than anything, I would say that the officials of the Vietnamese Government were very impressed by my good friend Congressman CAO—the first Vietnamese American ever elected to this sacred body, as a Member of this great institution. I am very proud as a fellow American to tell the 90-some million Vietnamese people out there that this is what America is all about, that only in America is someone of Congressman CAO's caliber able to be elected as a Member of this body.

With that, I want to say that I am very, very happy to see him, and I wish him all the best in his future endeavors.

I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, in closing, I would just like to say that I think it has been proven conclusively by my colleagues here speaking tonight that Christians, Buddhists and Catholics have been prodded with electric prods; they have been beaten; they have been gagged; and they have been mistreated.

There is a very strong concern among many of us in Congress that the CPC designation should be reimposed. If the State Department says that Hanoi in Vietnam has turned a corner, the corner that it has turned is down a very dark alley, and we need to enlighten that to let the Vietnamese people know that we stand with them for religious freedom.

I rise in vigorous support of this resolution which reiterates the call of the United States Commission on International Religious Freedom that Vietnam be re-designated as a Country of Particular Concern, CPC.

The State Department, when it lifted the CPC designation for Vietnam, largely for commercial reasons, stated that Hanoi had "turned a corner."

Well, as the facts listed in this resolution amply demonstrate, a corner was indeed turned when it comes to religious freedom in Vietnam and we then ended up in a grim, dark alley.

This is the dark alley where the Vietnamese regime's security officers gagged prominent advocate for religious freedom Father Ly (LEE) during his trial, a mere four months after the State Department claimed Vietnam had supposedly turned a corner.

This is the dark alley from which agents sprang to detain a Norwegian citizen outside a Buddhist monastery where she had gone to present a prestigious human rights award.

This is the dark alley of the Communist regime in Vietnam where guests of a Congressional delegation, invited by the United States Ambassador to discuss human rights and religious freedom, were blocked from entering his residence by armed Vietnamese police.

This is the dark alley where Protestants have been beaten and Buddhist monks have been harassed and detained.

This is the dark alley where members of a Catholic funeral procession last spring were beaten with batons and tortured with electric rods.

Can the State Department continue to credibly claim that the Vietnamese regime has turned a corner on religious freedom and is on a positive trend?

If so, would State Department diplomats be willing to walk the walk with Vietnamese monks and priests around that corner to confront what lurks in the shadows beyond?

The facts more than justify Vietnam's redesignation as a country of particular concern with regard to religious freedom.

The Vietnamese regime must be held accountable for its fundamental violations of religious rights.

The Vietnamese people need to know that the U.S. stands with them and unequivocally supports and defends their right to exercise their religious freedoms unimpeded.

This resolution is long overdue.

I urge my colleagues to offer their vigorous support.

Mr. FALEOMAVAEGA. Mr. Speaker, with reluctance, I rise today in opposition to H. Res. 20, calling on the State Department to list the Socialist Republic of Vietnam as a "Country of Particular Concern" with respect to religious freedom.

While I fully understand the concerns reflected in H. Res. 20, this Resolution, which was introduced almost two years ago on January 6, 2009, is based on out-dated information that is not representative of Vietnam's progress.

Also, a nearly identical provision, which was also flawed, already passed the House as part of H.R. 2410, the Foreign Relations Authorization Act, which begs the question—why are we doing this again?

The passage of resolutions has real-world consequences and impacts our relations with other countries. At a minimum, we should give thoughtful consideration to best ways forward and channel resolutions through the subcommittees of jurisdiction so that agreements on language can be reached before we take up these measures on the House floor.

Regrettably, this was not the case with this resolution. The Subcommittee on Asia, the Pacific and the Global Environment, which has broad jurisdiction for U.S. policy affecting the region, was bypassed for the sake of maintaining a 2–1 ratio of majority to minority suspensions, and our own U.S. Ambassador to Vietnam, the Honorable Michael W. Michalak, was not consulted. While I realize that we represent separate branches of government, I believe Ambassador Michalak is in a better position than any of us to know where Vietnam stands in its progress regarding religious freedom.

Ambassador Michalak, in his remarks at the Human Rights Day Event held at the U.S. Embassy and American Center in Vietnam on December 9, 2010, stated:

> Another area where over the past three years I have seen strong improvements is religious freedom where individuals are now largely free to practice their deeply felt convictions. Pagodas, churches, temples and mosques throughout Vietnam are full. Improvements include increased religious participation, large-scale religious gatherings—some with more than 100,000 participants, growing numbers of registered and recognized religious organizations, increasing number of new churches and pagodas, and bigger involvement of religious groups in charitable activities. President Nguyen Minh Triet also met with Pope Benedict XVI at the Vatican, and Vietnam and the Holy See agreed to a Vatican appointment of a nonresident Representative for Vietnam as a first step toward the establishment of full diplomatic relations.

Ambassador Michalak also expressed some concerns, which I also share. He stated:

> However, some significant problems remain including occasional harassment and excessive use of force by local government officials against religious groups in some outlying locations. Specifically, there were several problematic high-profile incidents over the past year including where the authorities used excessive force against Catholic parishioners in land disputes outside of

Hanoi at Dong Chiem parish and outside of Danang at Con Dau parish. These incidents call into question Vietnam's commitment to the rule of law and hurt Vietnam's otherwise positive image on religious freedom. Registration of Protestant congregations also remains slow and cumbersome in some areas of the country, particularly in the Northwest Highlands.

Even so, the U.S. Department of State has not found that these incidents rise to the level of listing Vietnam as Country of Particular Concern and I am confident that while recognizing and understanding the concerns reflected in the Resolution, the State Department will make a determination on CPC designation in keeping with the statutory requirements of the International Religious Freedom Act rather than in response to consideration, or passage, of this Resolution by the U.S. House of Representatives.

Despite isolated incidents which all of us oppose, Vietnam is a multi-religion country with all major religions present including Buddhism, Christianity, Protestantism and Islam. Vietnam boasts the second largest Christian population in Southeast Asia. Vietnam has approximately 22.3 million religious followers, accounting for one fifth of the population and over 25,000 religious worship establishments.

According to Vietnam, so far the government has recognized 15 new religious organizations including 7 Protestant denominations, making the total of recognized religions 32. The State has assisted the publication of the Bible in 4 ethnic minority languages including Bana, Ede, Giarai and H'Mong, and facilitated the construction and reconstruction of over 1,500 religious establishments.

Vietnam has 4 Buddhist Academies, 32 Buddhist schools, hundreds of classes on Buddhism, 6 grand seminaries and one Protectionist Seminary. 1,177 religious leaders are actively participating in social management.

Vietnam Episcopal Council officials attended Ad-limina at the Vatican. Thousands of Catholic followers in Vietnam joined a range of activities to celebrate the 2010 Jubilee Year including 300 years of the presence of Catholicism and 50 years of the establishment of Catholic hierarchy in the country. In June, Vietnam and the Vatican agreed to promote the process of establishing diplomatic relations and the Pope agreed to appoint a "non-resident representative" of the Holy See for Vietnam.

The training and education of religious dignitaries and priests have been maintained and expanded. Throughout the country, there are around 17,000 seminarians and Buddhist monks and nuns are enrolled in religious training courses. The Vietnam Buddhist has 4 Buddhist Academies, of which the scale and training quality are being raised.

Thousands of Buddhist nuns and monks also gathered for the Great Buddhist Festival to mark the 1000th anniversary of Thang Long-Hanoi from July 27 to August 2, and Vietnam is actively preparing for the Summit of World Buddhism at the end of the year 2010.

In February 2009, the improvement of religious freedom in Vietnam was acknowledged by Vatican Undersecretary of State Monsignor Pietro Parolin, the Pope's Envoy, during his visit to Vietnam, more than a month after H. Res. 20 was drafted and introduced. While I am no expert on Catholic relations with the Vietnamese government, I do believe we should seriously consider Monsignor Parolin's views since he is better positioned to speak for and on behalf of the Catholic Church rather than Members of Congress whose information from third parties may be distorted. For example, it is my understanding that some of the claims laid out in H. Res. 20 about the Catholic Church stem from land disputes and not religious disputes at all.

Regardless, the Catholic Church is moving forward in establishing better relations with Vietnam, as are the Buddhists, although H. Res. 20 also mischaracterizes Vietnam's relationship with the Buddhists by singling out isolated incidents. If one were to single out the U.S. government's mishandling of the Waco Siege in 1993, we might find ourselves at the receiving end of a resolution like H. Res. 20 if other countries had chosen to take us to task when the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) failed to execute a search warrant at the Branch Davidian ranch at Mount Carmel, located nine miles east-northeast of Waco, Texas, at which time a siege was initiated by the Federal Bureau of Investigation which ended 50 days later with the death of 76 people, including more than 20 children.

This said, Vietnam recognizes it has work to do, and Vietnam is trying to improve its record on all fronts. Last month, I was in Hanoi where I met with H.E. Mr. Nguyen Van Son, Chairman of the Foreign Affairs Committee, National Assembly of the Socialist Republic of Viet Nam, and H.E. Mr. Ngo Quang Xuan, Vice-Chairman of the Foreign Affairs Committee, National Assembly of the Socialist Republic of Viet Nam. We had serious discussions about religious freedom and I can assure my colleagues that there is a strong commitment on the part of the Vietnamese Government to respect and facilitate religious freedom, and the central government is working with the local government to bring about change.

Having visited Vietnam five times during my tenure as Chairman of the Subcommittee on Asia, the Pacific and the Global Environment, I have also personally worshipped in parishes with local Vietnamese and, in the case of my own Church, I can verify that the Government of Viet Nam has been very supportive of efforts of The Church of Jesus Christ of Latter-day Saints as it seeks to establish official recognition in accordance with the laws of the land.

As a Member of The Church of Jesus-Christ of Latter-day Saints (LDS), I am always reluctant to oppose any resolution dealing with religious freedom because The Church of Jesus Christ of Latter-day Saints is the only religion in the United States against which an Extermination Order was issued sanctioning mass removal or death against American citizens. The Extermination Order was a military order signed by Missouri Governor Lilburn W. Boggs on October 27, 1838 directing that the Mormons be driven from the state or exterminated.

On June 25, 1976, after some 138 years, Governor CHRISTOPHER S. BOND, who is now a U.S. Senator, issued an executive order rescinding the Extermination Order, recognizing its legal invalidity and formally apologizing on behalf of the state of Missouri for the suffering it had caused the Latter-day Saints, and I thank Senator BOND for this.

Knowing the history of the LDS Church and the short-term and long-term consequences this forced exile of over 10,000 Later-day Saints had on those before and yet to come, I am firmly rooted in the belief that each of us should be allowed to claim the privilege of worshipping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.

So, while I agree in principle with speaking up for religious freedom and respect my colleagues who authored, co-sponsored, and who will vote in favor of this resolution, in the case of H. Res. 20, I must oppose. This year, the U.S. celebrated 15 years of diplomatic relations with Vietnam. As one who served during the Vietnam War at the height of the Tet Offensive, I know we've come a long way and that resolutions like this don't serve to move us forward but may have the opposite effect when we fail to acknowledge sincere and measurable progress.

On the matter of human rights, I hope we will also consider that the U.S. cannot assume the moral high ground when it comes to Vietnam. From 1961 to 1971, the U.S. sprayed more than 11 million gallons of Agent Orange in Vietnam, subjecting millions of innocent civilians to dioxin—a toxin known to be one of the deadliest chemicals made by man. Despite the suffering that has occurred ever since, there seems to be no real interest on the part of the U.S. to clean up the mess we left behind. Instead, we spend our time offering up resolutions like this which fail to make anything right. I believe we can and should do better and this is why I oppose H. Res. 20.

Mr. BURTON of Indiana. I yield back the balance of my time.

Mr. FALEOMAVAEGA. I thank the gentleman from Indiana and, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 20, as amended.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

□ 2050

APPROVING REGULATIONS TO IMPLEMENT VETERANS EMPLOYMENT OPPORTUNITIES

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1757) providing for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998

that apply to the House of Representatives and employees of the House of Representatives.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1757

Resolved,

SECTION 1. APPROVAL OF REGULATIONS.

The regulations issued by the Office of Compliance on March 21, 2008, and stated in section 4, with the technical corrections described in section 3 and to the extent applied by section 2, are hereby approved.

SEC. 2. APPLICATION OF REGULATIONS.

(a) IN GENERAL.—For purposes of applying the issued regulations as a body of regulations required by section 304(a)(2)(B)(i) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(a)(2)(B)(i)), the portions of the issued regulations that are unclassified or classified with an ''H'' designation shall apply to the House of Representatives and employees of the House of Representatives.

(b) DEFINITION.—In this section, the term ''employee of the House of Representatives'' has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), except as limited by the regulations (as corrected under section 3).

SEC. 3. TECHNICAL CORRECTIONS.

(a) CURRENT NAMES OF OFFICES AND HEADS OF OFFICES.—A reference in the issued regulations—

(1) to the Capitol Guide Board or the Capitol Guide Service (which no longer exist) shall be considered to be a reference to the Office of Congressional Accessibility Services;

(2) to the Capitol Police Board shall be considered to be a reference to the Capitol Police;

(3) to the Senate Restaurants (which are no longer public entities) shall be disregarded; and

(4) in sections 1.110(b) and 1.121(c), to the director of an employing office shall be considered to be a reference to the head of an employing office.

(b) CROSS REFERENCES TO PROVISIONS OF REGULATIONS.—A reference in the issued regulations—

(1) in paragraphs (l) and (m) of section 1.102, to subparagraphs (3) through (8) of paragraph (g) of that section shall be considered to be a reference to paragraph (g) of that section;

(2) in section 1.102(l), to subparagraphs (aa) through (dd) of section 1.102(g) shall be considered to be a reference to subparagraphs (aa) through (dd) of that section (as specified in the regulations classified with an ''H'' classification);

(3) in section 1.102(m), to subparagraphs (aa) through (ee) of section 1.102(g) shall be considered to be a reference to subparagraphs (aa) through (ee) of that section (as specified in the regulations classified with an ''S'' classification);

(4) in section 1.111(d), to section 1.102(o) shall be considered to be a reference to section 1.102(p); and

(5) in section 1.112, to section 1.102(h) shall be considered to be a reference to section 1.102(i).

(c) CROSS REFERENCES TO OTHER PROVISIONS OF LAW.—A reference in the issued regulations—

(1) to the Veterans Employment Opportunities Act shall be considered to be a reference to the Veterans Employment Opportunities Act of 1998;

(2) to 2 U.S.C. 43d(a) shall be considered to be a reference to section 105(a) of the Second Supplemental Appropriations Act, 1978;

(3) to 2 U.S.C. 1316a(3) shall be considered to be a reference to section 4(c)(3) of the Veterans Employment Opportunities Act of 1998;

(4) to 5 U.S.C. 2108(3)(c) shall be considered to be a reference to section 2108(3)(C) of title 5, United States Code;

(5) to the Americans with Disabilities Act shall be considered to be a reference to the Americans with Disabilities Act of 1990;

(6) to the Soil Conservation and Allotment Act shall be considered to be a reference to the Soil Conservation and Domestic Allotment Act; and

(7) to the Agricultural Adjustment Act shall be considered to be a reference to the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(d) OTHER CORRECTIONS.—In the issued regulations—

(1) in section 1.102(g)(1) (in the regulations classified with an ''H'' classification), the ''and'' at the end shall be disregarded;

(2) section 1.102(g)(7) (in the regulations classified with an ''H'' classification) shall be considered to have an ''or'' at the end;

(3) section 1.109 shall be considered to have an ''and'' after paragraph (a);

(4) the second sentence of section 1.116 shall be disregarded;

(5) section 1.118(b) shall be considered to have an ''and'' after paragraph (2) rather than paragraph (1);

(6) a reference in sections 1.118(c)(1) and 1.120(b)(1) to veterans' ''preference eligible'' shall be considered to be a reference to ''preference eligible'';

(7) sections 1.118(c) and 1.120(b) shall be considered to have an ''and'' after paragraph (1); and

(8) section 1.121(b)(6)(B) shall be considered to have an ''and'' at the end.

SEC. 4. REGULATIONS.

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix ''H.'' When approved by the Senate for the Senate, these regulations will have the prefix ''S.'' When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix ''C.''

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

SUBPART A—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 4 OF THE VEOA

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to 2 U.S.C. §43d(a); or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Reg: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase ''authorized to practice by the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S. Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to 2 U.S.C. §43d(a); or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Reg: (g) Covered employee means any employee of (1) the Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) Covered position means any position that is or will be held by a covered employee.

(i) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(k) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

(l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) above.

(m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) above.

H Regs: (n) Employing office means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) Employing office means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Reg: (n) Employing office means: the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) Office means the Office of Compliance.

(p) Preference eligible means veterans, spouses, widows, widowers or mothers who meet the definition of ''preference eligible'' in 5 U.S.C. §2108(3)(A)–(G).

(q) Qualified applicant means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term ''qualified applicant'' shall mean that the applicant has received a passing score on the examination or evaluation.

(r) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) VEOA means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(u) Veterans means persons as defined in 5 U.S.C. §2108(1), or any superseding legislation.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are ''the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are ''the same as the most substantive regulations (applicable with respect to the Executive branch)'', section 4(c)(4)(B) of the VEOA authorizes the Board to ''determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under'' section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate

Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

SUBPART B—VETERANS' PREFERENCE—GENERAL PROVISIONS

Sec.
1.105 Responsibility for administration of veterans' preference.
1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, 1316a(3); and the Office's Procedural Rules.

SUBPART C—VETERANS' PREFERENCE IN APPOINTMENTS

Sec.
1.107 Veterans' preference in appointments to restricted covered positions.
1.108 Veterans' preference in appointments to non-restricted covered positions.
1.109 Crediting experience in appointments to covered positions.
1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police Board.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant; and

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §1302(a)(3).

SUBPART D—VETERANS' PREFERENCE IN REDUCTIONS IN FORCE

Sec.
1.111. Definitions applicable in reductions in force.
1.112. Application of preference in reductions in force.
1.113. Crediting experience in reductions in force.
1.114. Waiver of physical requirements in reductions in force.
1.115. Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules,

tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) ''active service'' has the meaning given it by section 101 of title 37;

(2) ''a retired member of a uniformed service'' means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if

(A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of ''preference eligible'' as set forth in 5 U.S.C § 2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Reg: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a ''disabled veteran'' under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. § 2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. § 1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. § 3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service rendered as an employee described in 5 U.S.C. § 2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. § 2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. § 2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. § 1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

SUBPART E—ADOPTION OF VETERANS' PREFERENCE POLICIES, RECORDKEEPING & INFORMATIONAL REQUIREMENTS.

Sec.
1.116. Adoption of veterans' preference policy.
1.117. Preservation of records made or kept.
1.118. Dissemination of veterans' preference policies to applicants for covered positions.
1.119. Information regarding veterans' preference determinations in appointments.
1.120. Dissemination of veterans' preference policies to covered employees.
1.121. Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or

more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Executive Director, in his/her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term ''personnel records relevant to the claim'', for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA;

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3); and

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees; and

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees; and

(3) the employing office may provide other information in its guidances regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible; and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible; and

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on this resolution.

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

There was no objection.

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

Mr. Speaker, the Veterans Employment Opportunities Act of 1988, or VEOA, extends veterans' preference rights to covered applicants and employees, in covered positions, throughout the legislative branch. The act is implemented in the legislative branch through the Congressional Accountability Act of 1995.

Implementation of the VEOA requires the board of directors of the Office of Compliance to issue regulations and the House and Senate to approve them. Without congressionally approved regulations, the VEOA does not apply to Congress and the rest of the legislative branch.

Under the Congressional Accountability Act, congressional approval of these regulations can be accomplished by adopting approval resolutions covering the House and the rest of the legislative branch. The resolution before us now covers the House, and the next resolution on the schedule, Senate Concurrent Resolution 77, will cover the rest of the legislative branch, except the Senate, which has already adopted a resolution covering itself.

This process will complete legislative branch coverage under the VEOA. It has bipartisan and bicameral support.

The regulations we are considering today have been awaiting congressional approval since March 21, 2008. The executive branch has already implemented VEOA hiring preferences. With today's congressional approval, qualified veterans who apply for covered positions in the legislative branch will be given preference rights among job applicants and remedies to enforce those rights. It is fitting that we move forward on approving these regulations to help our returning veterans, and now is the right time to do it.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1757. As mentioned by the gentleman from American Samoa, it provides for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunity Act of 1998 and apply that act to the House of Representatives and employees of the House.

In 1998, Congress passed the Veterans Employment Opportunities Act, and that gave veterans improved access to Federal job opportunities. It also established a redress system for preference-eligible veterans in the event that their preference rights were violated.

These new regulations finally fulfill that law and ensure that the Veterans Employment Opportunities Act of 1998 applies fully, not just to the executive branch and other Federal employees, but also to the legislative branch and our employees as well.

I support this bill. I thank my colleague Mr. BRADY for his authorship of this resolution. Getting to this point has been a long process. I appreciate his support and the efforts of his staff. I urge my colleagues to support our veterans by passing House Resolution 1757.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 1757.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE APPROVAL OF FINAL REGULATIONS ISSUED BY THE OFFICE OF COMPLIANCE TO IMPLEMENT THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 77) to provide for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to certain legislative branch employing offices and their covered employees.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 77

Resolved by the Senate (the House of Representatives concurring), That the following regulations issued by the Office of Compliance on March 21, 2008, and stated in section 4, with the technical corrections described in section 3 and to the extent applied by section 2, are hereby approved:

SEC. 2. APPLICATION OF REGULATIONS.

(a) IN GENERAL.—For purposes of applying the issued regulations as a body of regulations required by section 304(a)(2)(B)(iii) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(a)(2)(B)(iii)), the portions of the issued regulations that are unclassified or classified with a ''C'' designation shall apply to all covered employees that are not employees of the House of Representatives or employees of the Senate, and employing offices that are not offices of the House of Representatives or the Senate.

(b) DEFINITIONS.—In this section, the terms ''employee of the House of Representatives'', ''employee of the Senate'', ''covered employee'', and ''employing office'' have the meanings given the terms in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), except as limited by the regulations (as corrected under section 3).

SEC. 3. TECHNICAL CORRECTIONS.

(a) CURRENT NAMES OF OFFICES AND HEADS OF OFFICES.—A reference in the issued regulations—

(1) to the Capitol Guide Board or the Capitol Guide Service (which no longer exist) shall be considered to be a reference to the Office of Congressional Accessibility Services;

(2) to the Capitol Police Board shall be considered to be a reference to the Capitol Police;

(3) to the Senate Restaurants (which are no longer public entities) shall be disregarded; and

(4) in sections 1.110(b) and 1.121(c), to the director of an employing office shall be considered to be a reference to the head of an employing office.

(b) CROSS REFERENCES TO PROVISIONS OF REGULATIONS.—A reference in the issued regulations—

(1) in paragraphs (l) and (m) of section 1.102, to subparagraphs (3) through (8) of paragraph (g) of that section shall be considered to be a reference to paragraph (g) of that section;

(2) in section 1.102(l), to subparagraphs (aa) through (dd) of section 1.102(g) shall be considered to be a reference to subparagraphs (aa) through (dd) of that section (as specified in the regulations classified with an ''H'' classification);

(3) in section 1.102(m), to subparagraphs (aa) through (ee) of section 1.102(g) shall be considered to be a reference to subparagraphs (aa) through (ee) of that section (as specified in the regulations classified with an ''S'' classification);

(4) in section 1.111(d), to section 1.102(o) shall be considered to be a reference to section 1.102(p); and

(5) in section 1.112, to section 1.102(h) shall be considered to be a reference to section 1.102(i).

(c) CROSS REFERENCES TO OTHER PROVISIONS OF LAW.—A reference in the issued regulations—

(1) to the Veterans Employment Opportunities Act shall be considered to be a reference to the Veterans Employment Opportunities Act of 1998;

(2) to 2 U.S.C. 43d(a) shall be considered to be a reference to section 105(a) of the Second Supplemental Appropriations Act, 1978;

(3) to 2 U.S.C. 1316a(3) shall be considered to be a reference to section 4(c)(3) of the Veterans Employment Opportunities Act of 1998;

(4) to 5 U.S.C. 2108(3)(c) shall be considered to be a reference to section 2108(3)(C) of title 5, United States Code;

(5) to the Americans with Disabilities Act shall be considered to be a reference to the Americans with Disabilities Act of 1990;

(6) to the Soil Conservation and Allotment Act shall be considered to be a reference to the Soil Conservation and Domestic Allotment Act; and

(7) to the Agricultural Adjustment Act shall be considered to be a reference to the Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(d) OTHER CORRECTIONS.—In the issued regulations—

(1) section 1.109 shall be considered to have an ''and'' after paragraph (a);

(2) the second sentence of section 1.116 shall be disregarded;

(3) section 1.118(b) shall be considered to have an ''and'' after paragraph (2) rather than paragraph (1);

(4) a reference in sections 1.118(c)(1) and 1.120(b)(1) to veterans' ''preference eligible'' shall be considered to be a reference to ''preference eligible'';

(5) sections 1.118(c) and 1.120(b) shall be considered to have an ''and'' after paragraph (1); and

(6) section 1.121(b)(6)(B) shall be considered to have an ''and'' at the end.

SEC. 4. REGULATIONS.

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix ''H.'' When approved by the Senate for the Senate, these regulations will have the prefix ''S.'' When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix ''C.''

In this draft, "H&S Regs" denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and "C Reg" denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

SUBPART A—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 4 OF THE VEOA

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.104 Coordination with section 225 of the Congressional Accountability Act.

SEC. 1.101. PURPOSE AND SCOPE.

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to 2 U.S.C. §43d(a); or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Reg: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

SEC. 1.102. DEFINITIONS.

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase ''authorized to practice by the State'' as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, 109 Stat. 3, 2 U.S.C. §§1301–1438).

(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S. Regs: (g) Covered employee means any employees of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to 2 U.S.C. §43d(a); or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Reg: (g) Covered employee means any employee of (1) the Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) Covered position means any position that is or will be held by a covered employee.

(i) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(k) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

(l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) above.

(m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) above.

H Regs: (n) Employing office means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) Employing office means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Reg: (n) Employing office means: the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) Office means the Office of Compliance.

(p) Preference eligible means veterans, spouses, widows, widowers or mothers who meet the definition of ''preference eligible'' in 5 U.S.C. §2108(3)(A)–(G).

(q) Qualified applicant means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term ''qualified applicant'' shall mean that the applicant has received a passing score on the examination or evaluation.

(r) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) VEOA means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(u) Veterans means persons as defined in 5 U.S.C. §2108(1), or any superseding legislation.

SEC. 1.103. ADOPTION OF REGULATIONS.

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are ''the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are ''the same as the most substantive regulations (applicable with respect to the Executive branch)'', section 4(c)(4)(B) of the VEOA authorizes the Board to ''determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under'' section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

SUBPART B—VETERANS' PREFERENCE—GENERAL PROVISIONS

Sec.
1.105 Responsibility for administration of veterans' preference.
1.106 Procedures for bringing claims under the VEOA.

SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, 1316a(3); and the Office's Procedural Rules.

SUBPART C—VETERANS' PREFERENCE IN APPOINTMENTS

Sec.
1.107 Veterans' preference in appointments to restricted covered positions.
1.108 Veterans' preference in appointments to non-restricted covered positions.
1.109 Crediting experience in appointments to covered positions.
1.110 Waiver of physical requirements in appointments to covered positions.

SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police Board.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add

points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. §3309. For example, five preference points shall be granted to preference eligible applicants in a 100-point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant.

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §1302(a)(3).

SUBPART D—VETERANS' PREFERENCE IN REDUCTIONS IN FORCE

Sec.
1.111. Definitions applicable in reductions in force.
1.112. Application of preference in reductions in force.
1.113. Crediting experience in reductions in force.
1.114. Waiver of physical requirements in reductions in force.
1.115. Transfer of functions.

SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) ''active service'' has the meaning given it by section 101 of title 37;

(2) ''a retired member of a uniformed service'' means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if

(A) his/her retirement was based on disability—

(i) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of ''preference eligible'' as set forth in 5 U.S.C §2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Reg: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a ''disabled veteran'' under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is

entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(9).

SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. §3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service rendered as an employee described in 5 U.S.C. §2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. §2105(c).

SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

SEC. 1.115. TRANSFER OF FUNCTIONS.

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

SUBPART E—ADOPTION OF VETERANS' PREFERENCE POLICIES, RECORDKEEPING & INFORMATIONAL REQUIREMENTS.

Sec.
1.116. Adoption of veterans' preference policy.
1.117. Preservation of records made or kept.
1.118. Dissemination of veterans' preference policies to applicants for covered positions.
1.119. Information regarding veterans' preference determinations in appointments.
1.120. Dissemination of veterans' preference policies to covered employees.
1.121. Written notice prior to a reduction in force.

SEC. 1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Executive Director, in his/her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term ''personnel records relevant to the claim'', for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA; and

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108

or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. §2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidances regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include—

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible.

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on Senate Concurrent Resolution 77.

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

There was no objection.

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

Mr. Speaker, agreeing to Senate Concurrent Resolution 77 will complete legislative branch coverage under the VEOA. The Senate has already covered itself. Thus, qualified veterans who apply for covered positions within the legislative branch will be given preference rights among job applicants and remedies to enforce those rights. This initiative has bipartisan and bicameral support.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 77 which does approve the final regulations implementing the Veterans Employment Opportunities Act of 1998. Almost identical to the legislation we just passed, this bill would extend the regulations to offices that serve both the House and the Senate.

These regulations are long overdue. I thank the chairman and his staff for their diligence in moving them forward. I thank the gentleman from American Samoa for bringing this to the floor.

I urge my colleagues to support our veterans by passing Senate Concurrent Resolution 77.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 77.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING STATUES IN CAPITOL FOR DISTRICT OF COLUMBIA AND TERRITORIES

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5493) to provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5493

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

SECTION 1. FURNISHING OF STATUES FOR STATUARY HALL BY DISTRICT OF COLUMBIA AND TERRITORIES AND POSSESSIONS.

(a) IN GENERAL.—The President is authorized to invite each jurisdiction described in section 3 to provide and furnish a statue, in marble or bronze, of a deceased person who has been a citizen of the jurisdiction, and illustrious for his or her historic renown or for distinguished civic or military services, such as the jurisdiction may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in Statuary Hall in the United States Capitol.

(b) LIMITATION.—No statue of any individual may be placed in Statuary Hall pursuant to this Act until after the expiration of the 10-year period which begins on the date of the individual's death.

SEC. 2. REPLACEMENT OF STATUES.

(a) REQUEST BY JURISDICTION.—

(1) IN GENERAL.—A jurisdiction described in section 3 may request the Joint Committee on the Library of Congress to approve the replacement of a statue the jurisdiction has provided for display in Statuary Hall in the United States Capitol under section 1.

(2) CONDITIONS.—A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the jurisdiction (or its equivalent) and the request

has been approved by the chief executive of the jurisdiction; and

(B) the statue to be replaced has been displayed in the United States Capitol for at least 10 years as of the time the request is made, except that the Joint Committee may waive this requirement for cause at the request of the jurisdiction.

(b) AGREEMENT UPON APPROVAL.—If the Joint Committee on the Library of Congress approves a request under subsection (a), the Architect of the Capitol shall enter into an agreement with the jurisdiction involved to carry out the replacement in accordance with the request and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by the jurisdiction under section 1; and

(2) the jurisdiction shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) LIMITATION ON NUMBER OF STATUES.—Nothing in this section shall be interpreted to permit any jurisdiction described in section 3 to have more than 1 statue on display in the United States Capitol.

(d) OWNERSHIP OF REPLACED STATUES.—

(1) TRANSFER OF OWNERSHIP.—Subject to the approval of the Joint Committee on the Library, ownership of any statue replaced under this section shall be transferred to the jurisdiction involved.

(2) PROHIBITING SUBSEQUENT DISPLAY IN CAPITOL.—If any statue is removed from the United States Capitol as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

(e) RELOCATION OF STATUES.—The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to provide for the reception, location, and relocation of any statues received on or after the date of the enactment of this Act from a jurisdiction under section 1.

SEC. 3. JURISDICTIONS DESCRIBED.

The jurisdictions described in this section are as follows:

(1) The District of Columbia.

(2) The Commonwealth of Puerto Rico.

(3) Guam.

(4) American Samoa.

(5) The United States Virgin Islands.

(6) The Commonwealth of the Northern Mariana Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter.

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

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 5493, as amended, which will invite each of the territories, and especially including the District of Columbia, to provide a statue to be placed with other such statues from the 50 States that are now all over the U.S. Capitol.

First of all, I do want to thank the chairman of the Committee on House Administration, the gentleman from Pennsylvania, my good friend, Mr. BRADY, for his support and leadership in bringing this legislation, and also, my good friend from California (Mr. LUNGREN) for his support. With the help of Chairman BRADY and his staff, H.R. 5493 now includes language making it favorable to have this bill brought now before the floor for consideration as it was approved by the committee.

□ 2100

I want to especially thank my good friend and colleague, the distinguished lady from the District of Columbia, Ms. ELEANOR NORTON, for her willingness to work with us on this important bill. And I want to acknowledge the joint efforts that we have made in advocating the importance of this bill for the five U.S. territories and especially also for the District of Columbia, which is basically to provide and furnish to the Architect of the Capitol a statue honoring a prominent citizen of such jurisdiction to be placed in the National Statuary Hall in the same manner as statues now honoring citizens of the States.

Since its inception in 1864, the National Statuary Hall holds a grand display of statues donated to commemorate each of the 50 States. The various statues with their historical significance have added to the aesthetics and overall impressive architectural design of the U.S. Capitol. To the 3 million to 5 million annual visitors to the U.S. Capitol, the National Statuary Hall serves as a reminder of the values and significant contributions of certain individuals that shape the foundation upon which this great country was founded.

And 5 years ago, the Architect of the Capitol received a marble statue of Po'pay from the State of New Mexico and a bronze statue of Sarah Winnemucca from the State of Nevada, making the entire collection complete in its representation of the 50 States under the original law of 1864. It was also at the same time that I introduced a bill to invite territories, including at the time American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands, to furnish statues to be placed in the National Statuary Hall. The language was similar to the one proposed by the former Delegate from Guam Ben Blaz in 1985, except I proposed permission for the territories to furnish a single statue.

Earlier this year, I introduced a similar bill with modified language to include the CNMI. I am pleased that H.R. 5493 now has incorporated all of these requests. And again, I want to thank Chairman BRADY and Ranking Member LUNGREN and members of the House Administration Committee and staff for their support of this proposal.

With that, Mr. Speaker, I urge support of this bill and reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5493. This bill permits the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands to each display one statue here in the U.S. Capitol.

Mr. Speaker, the District of Columbia and these territories of the United States are important pieces of the larger mosaic that make up our national identity, and I support their right to honor a noteworthy figure of their communities. Statues are funded by the individual territories. Therefore, this legislation is unusual; it's budget-neutral. In the coming years, I look forward to welcoming these statues to the Congress and learning more about the individuals that each such entity chooses to honor.

So I would urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I gladly yield all the time that she wants to my good friend, the distinguished Delegate from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. I thank my good friend from American Samoa, with whom I work so closely and so often.

Mr. Speaker, I am particularly grateful this evening to Chairman BRADY for working so closely with me on the bill for statues for the District of Columbia, a bill I have introduced for years but that did not move until Mr. BRADY became chair.

However, Ranking Member DAN LUNGREN deserves special thanks for today's bill. When he said he could not support my bill for two statues for the District, he didn't say ''no'' to everything. He introduced his own bill for one statue for the District and one for each of the territories. The bill before the House this evening is essentially that bill, the Lungren bill.

Our original bill for two statues for the District of Columbia was introduced only to give some small recognition to the taxpayers of the District, who get little enough recognition for their taxpaying status. In the end, in the spirit of compromise represented by Mr. LUNGREN's bill, I decided that we should seek to move Mr. LUNGREN's bill at this time, and I thank him for his bill.

We recognize that the statues for each State are mere symbols, but for us, they are symbols of American citizenship itself, as embedded in the recognition of their own outstanding citizens by each State. One need only go

downstairs in this House to watch visitors from their own congressional districts as they view their statues to see the power of the patriotism and pride the statues inspire in their own constituents.

The Lungren bill creates a dilemma for the District of Columbia, however. So great was the desire for the statues generated by my bill that when citizens were asked to indicate who they wanted to represent the city in statue for the United States Capitol, well, the citizens chose two great Americans, had their statues designed and actually built and placed in the District's city hall until such time as this bill, or my original bill, passed the House. And if this bill passes, for now, they will have to decide which one of two great men will represent the city. This will be difficult because it speaks volumes about who we are in the District, that the two men chosen were not only longtime distinguished District of Columbia residents but also are great Americans apart from their District identity.

Frederick Douglass, born a slave, who became the greatest human rights leader of his time but also was U.S. Marshal for the District of Columbia. And District of Columbia recorder of deeds. And, of course, resident of Southeast Washington, whose majestic home is now a National Park Service site with thousands of visitors who come each year. And Pierre L'Enfant, the great patriot of the American Revolutionary War, later appointed by George Washington to design the Nation's Capital.

We have decided it is better to have to decide which one of two great residents of the District of Columbia will represent our city for now than to have no choice at all. I ask this House to support this bill. And again, I thank Mr. LUNGREN for his compromise in introducing it.

Mr. DANIEL E. LUNGREN of California. I yield myself as much time as I may consume.

I thank the gentlelady for those nice comments. I understand the importance of having a statue that reflects the people of the District of Columbia and the territories. I remember the pride that we had, as Californians, when we brought the statue of Ronald Reagan here just about a year and a half ago. That is a great example of someone who was not born in California but someone who rose to great prominence in California and someone who loved our State.

□ 2110

So I appreciate very, very much, and I love this spirit of bipartisanship that the city has shown to choose Mr. L'Enfant, who, of course, was a historic figure before we had the Democratic or Republican Parties, and Frederick Douglass, a prominent Republican and a great American.

So I thank you for that great choice. And I know who I'd vote for, but you have a choice of two great Americans representing the District of Columbia. I would urge my colleagues to support this resolution.

I yield back the balance of my time.

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

I want to echo the sentiments expressed earlier by my colleague from the District of Columbia, again, commending and thanking our good friend from California for his support and his leadership in bringing this piece of legislation to the floor, and especially Chairman BRADY and all his efforts and the members of his staff for their hard work in bringing this bill.

Mr. HOYER. Mr. Speaker, the U.S. Capitol features statutes from every State in our union—statues that honor some of the most memorable and influential people in America's history. The people of the District of Columbia are part of our union, as well: They pay federal taxes, vote in presidential elections, and share citizenship with us.

But when it comes to seeing the District's most notable citizens honored here in the Capitol, in their own city, the people of Washington, DC have again been left out. That needs to change.

This bill would give the people of the District of Columbia—along with the people of the territories of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands—their due in the U.S. Capitol.

I believe, in fact, that the District of Columbia deserves two statutes, just like any State; but failing that, I believe that some recognition is better than none.

The people of the District of Columbia have made remarkable contributions to America's history, its culture, and its ongoing work to guarantee equal rights to all—and it's time that those contributions are recognized here in the heart of our democracy.

I urge my colleagues to support this bill.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of the bill in the nature of a substitute to H.R. 5493, a bill to provide for the furnishing of a statue by each of the U.S. Territories and the District of Columbia for display in Statuary Hall in the United States Capitol. I would like to thank my colleagues Congresswoman ELEANOR HOLMES NORTON of Washington, DC, and Congressman ENI FALEOMAVAEGA of American Samoa for their work on this legislation. I would also like to thank Congressman ROBERT BRADY, Chairman of the Committee on House Administration and Congressman DANIEL LUNGREN, Ranking Member of the Committee on House Administration for working with the Delegates from the territories and agreeing to amend the bill with substitute language that authorizes one statue for each of the U.S. territories.

For Americans across the country, one of the key highlights of a visit to the U.S. Capitol is locating and observing the statues representing their home states. It is an opportunity to see that their local history is represented and valued in our Nation's Capitol, and a chance to share that history with others from around the country. However, visitors from America's five territories and the District of Columbia are disappointed to find that they have no representation in this time-honored tradition.

H.R. 5493, as amended, would remedy this situation by permitting each of the U.S. territories and the District of Columbia to house one memorial statue in the U.S. Capitol Building. These statues would be placed among the existing 100 state statues and would show the historical ties the U.S. territories and states have shared. Like the 50 states, each territory has a unique and rich history, and each new statue in the National Statuary Hall Collection will allow the U.S. territories the opportunity to share that history with the millions of visitors who visit the U.S. Capitol Building each year. I urge my colleagues to grant the Americans who reside in the U.S. Territories and the District of Columbia this opportunity and vote in favor of H.R. 5493, as amended.

Mr. SABLAN. Mr. Speaker, I support H.R. 5493, authorizing the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands each to display a statue here in the Capitol.

I thank the gentleman from American Samoa, ENI FALEOMAVAEGA, who has championed this idea to include the territories for many years. And I thank my colleagues on both sides of the aisle who support the non-state areas of our country each having one statue of a distinguished person they regard as worthy of praise and commemoration displayed here.

Currently, the National Statuary Hall Collection holds statues from all 50 states. Each has produced native sons or daughters who exemplify the state's sense of itself or who have played a significant role in the history of this great United States of America. H.R. 5493 will recognize that the non-state areas of our Nation have also contributed and sacrificed for America. As Americans, we, too, would like to share our experience and our pride, as embodied in one individual, with the rest of the American people here in our Capitol.

I ask that my colleagues support H.R. 5493.

Mr. BRADY of Pennsylvania. Mr. Speaker, H.R. 5493, as amended, will grant to the District of Columbia and the five territories of the United States the right to each place one statue honoring a distinguished individual into the National Statuary Hall Collection in the U.S. Capitol. Currently, there are 100 statues in the Collection, with each of the 50 states represented by two statues.

The Committee on House Administration had originally reported two bills on this subject. H.R. 5493, by the gentlewoman from the District of Columbia, would have given the District the right to have two statues. H.R. 5711, by the gentleman from American Samoa, would have given American Samoa, Guam, Puerto Rico, the Northern Mariana Islands and the Virgin Islands one statue each.

It became unlikely that these bills could pass the House separately, and there has been continuing controversy about giving the District of Columbia two statues. Therefore, I am supporting this amended legislation in the form recommended by the Ranking Minority Member, Representative LUNGREN, to grant each jurisdiction one statue. I have become convinced that this is an excellent compromise which will provide an opportunity for all of these jurisdictions to enjoy representation in the National Statuary Hall Collection.

Mr. Speaker, no Federal funds would be needed to implement this legislation. All costs of production and placement of the statues would be borne by the District of Columbia and the five territories.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and pass the bill, H.R. 5493, as amended.

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

The title was amended so as to read: ''A bill to provide for the furnishing of statues by the District of Columbia and territories and possessions of the United States for display in Statuary Hall in the United States Capitol.''.

A motion to reconsider was laid on the table.

HONORING NORMAN YOSHIO MINETA

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1377) honoring the accomplishments of Norman Yoshio Mineta, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1377

Whereas, in 1931, Norman Yoshio Mineta was born in San Jose, California, to Japanese immigrant parents, Kunisaku and Kane Mineta;

Whereas, in 1942, during World War II, when President Franklin Delano Roosevelt signed Executive Order 9066, branding individuals of Japanese descent as ''enemy aliens'' solely on the basis of their ancestry and authorizing the relocation and incarceration of 120,000 individuals of Japanese descent, Norman Yoshio Mineta and his family were forced to leave their home and live in the Santa Anita racetrack paddocks for 3 months before they were sent to their permanent assignment for the following years, the Heart Mountain internment camp near Cody, Wyoming;

Whereas, in 1953, upon graduation from the University of California Berkeley's School of Business Administration, Norman Yoshio Mineta joined the United States Army and served as an intelligence officer in Japan and Korea;

Whereas, in 1967, Norman Yoshio Mineta was appointed to a vacant seat on San Jose's city council, making him the first minority and first Asian American city council member in San Jose, and he was subsequently elected to that seat;

Whereas, in 1971, Norman Yoshio Mineta was elected mayor of San Jose, making him the first Asian American mayor of a major United States city, during which time he provided leadership for all communities of San Jose, including minority communities, strengthening community relations between racial and ethnic minorities and the city, including the San Jose Police Department;

Whereas, from 1975 to 1995, Norman Yoshio Mineta was elected to the House of Representatives to represent California's 15th District in the heart of Silicon Valley, serving as chairman of the Committee on Public Works and Transportation of the House of Representatives, the Committee's Aviation Subcommittee, and the Committee's Surface Transportation Subcommittee, where he was a key author of the landmark Intermodal Surface Transportation Efficiency Act of 1991, taking politics out of funding for transportation and infrastructure by creating a new collaborative approach to planning;

Whereas Silicon Valley is the home of the Norman Y. Mineta San Jose International Airport;

Whereas, in 1977, Norman Yoshio Mineta, along with Frank Horton, then a Republican Member of Congress from New York, introduced into Congress a bipartisan resolution that established the first 10 days of May, the month when the first Japanese immigrants arrived in the United States in 1843 and when Chinese laborers completed the transcontinental railroad in 1869, as Asian Pacific American Heritage Week, which later was made into an annual event;

Whereas, in 1990, the entire month of May was proclaimed to be Asian Pacific American Heritage Month;

Whereas, in 1978, under the leadership of Norman Yoshio Mineta, Congress established the Commission on Wartime Relocation and Internment of Civilians and passed the most important reparations bill of our time, H.R. 442, the Civil Liberties Act of 1988, by which the United States Government officially apologized for sending families of Japanese descent to internment camps and redressed the injustices endured by Japanese-Americans during World War II, including by making available a total of $1,200,000,000, which included the creation of the Civil Liberties Public Education Fund to educate the public about lessons learned from the internment;

Whereas, in 1994, Norman Yoshio Mineta founded and chaired the bicameral and bipartisan Congressional Asian Pacific American Caucus (CAPAC), comprised of Members of Congress who have strong interests in promoting Asian American and Pacific Islander issues and advocating the concerns of Asian Americans and Pacific Islanders;

Whereas CAPAC continues to advance the full participation of the Asian American and Pacific Islander community in our democracy, particularly in the arena of public policy;

Whereas, in 2000, Norman Yoshio Mineta became the first Asian American to hold a post in a Presidential Cabinet as Secretary of Commerce under President William J. Clinton and, in 2001, he became the first Asian American to serve as Secretary of Transportation under President George W. Bush, again displaying his honor and ability to serve his country in a bipartisan manner;

Whereas Norman Yoshio Mineta has founded, served as a board member of, or been a key supporter of many community organizations critical to the infrastructure of the Asian American and Pacific Islander community, including the Japanese American Citizens League Norman Y. Mineta Fellowship Program, the Asian Pacific American Institute for Congressional Studies, the National Council for Asian Pacific Americans, the APIA Vote's Norman Y. Mineta Leadership Institute, the Asian American Action Fund, the Asian Academy Hall of Fame, the Asian Leaders Association, Nikkei Youth, Organizing for America, the United States Asia Center, and the America's Opportunity Fund;

Whereas Norman Yoshio Mineta received the Presidential Medal of Freedom, the highest civilian award in the United States, in 2006 from President George W. Bush, and the Grand Cordon, Order of the Rising Sun from the Japanese Government, which was the highest honor bestowed upon an individual of Japanese descent outside of Japan; and

Whereas after experiencing one of the worst examples of Government-sanctioned racial discrimination in our Nation's history, Norman Yoshio Mineta dedicated the greater part of his working life to the service of his community and his country, and carried out his service with exemplary dignity and integrity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the accomplishments and legacy of a great American hero, Norman Yoshio Mineta, for his groundbreaking contributions to the Asian American and Pacific Islander community and to our Nation through his leadership in strengthening civil rights and liberty for all and for his dedication and service to the United States; and

(2) memorializes the sacrifices and suffering that many Asian Americans, Pacific Islanders, and others like Norman Yoshio Mineta endured so that we may unite with compassion and pursue truth, liberty, justice, and equality for all in the United States and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

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

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

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, at this time I would like to yield all the time that he may want to consume to the distinguished author of this proposed resolution, the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, as the chair of the Congressional Asian Pacific American Caucus, I rise in support of House Resolution 1377 and to pay tribute to my dear friend and mentor, Norman Yoshio Mineta.

Throughout his career, Norm, a distinguished former Member of this House, has broken through many glass ceilings, not just for himself, but also for the rest of us.

Norm was the first Asian American mayor of a major city, the first Asian American to hold a Presidential Cabinet position, trusted by both Democratic and Republican administrations.

Norm has dedicated and continues to dedicate much of his energy toward the building of the infrastructure needed for the Asian American and Pacific Islander communities to grow and thrive to what they are today.

When I think of Norm's legacy in our community, Mr. Speaker, I am reminded of the poem, ''Footprints in the Sand.'' The poem's last line reads: ''During your times of trial and suffering, when you see only one set of footprints, it was then that I carried you.''

Norm was one of the first in our community to see a light at the end of our path, a path cleared by so many greats before him, and to lead us forward. As with many movements, at times we

stumbled and wanted nothing more than to forget the past and bury our heads in shame. But Norm never let us stop from moving forward on our path to claim our rights as Americans. In good times, Norm marched beside us. When times were tough, Norm carried us, strengthened only by his vision of the possible and his undying patriotism and loyalty to this country.

Norm had a hand in establishing and strengthening so many of our community's key national organizations and, hence, deepened those footprints. These span from policy advocacy coalitions like the National Health Council of Asian Pacific Americans, to voter engagement organizations like APIA Vote, to organizations and fellowship programs that develop the future leaders of our community, such as the Asian Pacific American Institute for Congressional Studies, to the National Japanese American Memorial Foundation and the Japanese American Citizens League, to establishing the Congressional Asian Pacific American Caucus, which I chair today.

Some of the national accomplishments, because he is so connected to our communities, Mr. Speaker, it is easy to forget what a major player Norm has been on a national level.

During his 20 years in Congress, Norm rose to the chairmanship of the House Transportation Committee, where he authored the landmark Intermodal Surface Transportation Efficiency Act of 1991.

And Norm was instrumental in the passage of H.R. 442, the Civil Liberties Act of 1988, which provided an official government apology and redress for Japanese Americans interned during World War II, people like Norm, and the late Congressman Bob Matsui, his wife, Congresswoman DORIS MATSUI and myself.

In his last year in office, President Clinton appointed Norm Secretary of the Commerce Department, making him the first Asian American to hold a Cabinet post.

The following year, when President George W. Bush was organizing his Cabinet, he searched the country for the most qualified person on transportation issues and a leader who could put the interests of the country above party politics. President Bush found that leader in Norm and appointed him Secretary of Transportation. Norm served as Secretary of Transportation from 2001 to 2006, the longest serving Secretary in the history of the Department.

How fortunate our country was, Mr. Speaker, to have had a tested, experienced leader like Norm Mineta at the helm of the Transportation Department during the 9/11 terrorist attacks. Norm issued a historic order to ground all civilian air travel on that fateful day and had the skill to get the thousands of planes back up in the air and the passengers safely home to their families.

What impresses me most about Norm's leadership as Secretary of Transportation after the attacks, and perhaps what many do not know, is his strong opposition to racial and religious profiling. Having grown up in a time when Norm and his family were led away from their homes by rifles and bayonets and interned in Wyoming solely because of their ancestry, he refused to allow the same injustices to happen to innocent Muslim and Arab Americans.

From his time in local government as mayor of San Jose, to his years in Congress rising to the chairman of the House Transportation Committee, to his leadership as Secretary of Commerce for President Clinton and Secretary of Transportation for President Bush, Norm has remained rooted in social justice and love of country.

In 1980, Mr. Speaker, with the help of Norm Mineta, Congress established the Commission on Wartime Relocation and Internment of Civilians. This commission was charged with the duty of examining executive order 9066, which led to the internment of over 120,000 American citizens during World War II.

Three years later, in 1983, the commission issued its findings in the book ''Personal Justice Denied,'' concluding that the internment was based on racial prejudice, war hysteria and a failure of political leadership.

Let me repeat, Mr. Speaker, a failure of political leadership.

Throughout his long and distinguished service to our Nation, Norm Mineta has committed himself to making sure that our country never has a failure in political leadership like it did 7 years ago.

Every time I step into the well of this House, I'm reminded of the example Norm set for me and for others throughout his life in public service.

It is telling that during this heated political climate, both Republican and Democrats can come together to honor a man whose service supersedes party affiliation.

I thank Norm for his years of friendship and mentorship. I thank his family, his wife, Deni, his two sons, David and Stuart, his stepsons, Robert and Mark, his grandchildren, and his sister, Etsu, and four other brothers and sisters for giving Norm a life outside of work. And we know that Norm still has many years of advocacy and leadership still in him.

Mr. Speaker, I want to also thank Chairman BRADY and the House leadership for bringing this resolution to the floor.

And before I ask my colleagues to support this passage, and before I yield back the balance of my time, I just want to make it clear that this is not a memorial resolution. This is a resolution to recognize a man and his work while he's still alive and appreciated. And I know that, quite frankly, he's not prepared to accommodate a memorial.

And so with that, Mr. Speaker, I want to thank my colleagues, the leadership, for this opportunity to be able to recognize and honor an American first, a man who understands that ethnicity is important, nationality is important, our flag is important. But most of all, our allegiance to the Constitution is utmost. For that I thank you.

□ 2120

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1377, honoring the accomplishments of Norm Mineta. I am glad the gentleman from California made it clear that, while we honor him, Mr. Mineta is not yielding back his time; he is very much with us.

Mr. Speaker, Secretary Mineta has had a distinguished and praiseworthy career in public service, and I am pleased to join my colleagues in honoring him.

Born in San Jose, California, in 1931 to Japanese immigrant parents, it was during World War II, due to Executive Order 9066, that he and his family were deemed enemy aliens and were forced to leave their home and live in the Santa Anita racetrack paddocks for 3 months before they were then sent to their permanent location at the Heart Mountain internment camp near Cody, Wyoming. And as was suggested by the gentleman from California (Mr. HONDA), despite this humiliation, Secretary Mineta persevered.

In 1953, he graduated from the University of California Berkeley School of Business Administration and joined the United States Army, serving as an intelligence officer in Japan and Korea. In 1967, he became the first person of minority descent to serve on the San Jose City Council. In 1971, he was elected mayor of San Jose, thereby becoming the first Asian American mayor of a major U.S. city.

In 1975, he was elected to the U.S. House of Representatives, representing the 15th District of California. He served in this House until 1995. In Congress, he chaired the Committee on Public Works and Transportation, and was a key author of the landmark Intermodal Surface Transportation Efficiency Act of 1991. He also, as was said, helped establish the Asian-Pacific American Heritage Week and Asian-Pacific American Heritage Month, which rightly recognizes the role and participation of Japanese immigrants and Chinese laborers in our country.

It was through his leadership, along with others, including Senator INOUYE on the Senate side, that the Commission of Wartime Relocation and Internment of Civilians was established in 1978, and 10 years later the Civil Liberties Act was passed, offering appropriate apology for the actions taken against Japanese Americans during World War II.

Mr. Speaker, I was proud to serve as vice chairman of that commission. It was at the urging of Mr. Mineta and Bob Matsui that I agreed to serve on

that commission. I remember with great pride that while the issue was somber and tragic, the pursuit of truth and justice was something we all shared, guided by the leadership of Norm Mineta.

In 2000, Secretary Mineta became the first Asian American to hold a post in a Presidential cabinet, as he served as Secretary of Commerce under President Clinton, and then, of course, in 2001 became the first Asian American to serve as our Secretary of Transportation.

He was awarded the Presidential Medal of Freedom in 2006, that of course the highest civilian award given in the United States, and granted the Grand Cordon, the Order of the Rising Sun, the highest honor bestowed upon an individual of Japanese descent by the Japanese government.

Norm Mineta has lived a great life of service, of sacrifice, and dedication to this country. This resolution appropriately honors his accomplishments, his legacy, and it also inspires and encourages us to reflect upon and remember the lessons of his distinguished life.

I might say it was a pleasure to serve in the House of Representatives during the 1980s with Norm Mineta. You may have differences of opinion with him, but he never allowed it to rise to a level of being disagreeable. He was someone that you could always speak with. And even though you may have different positions on issues on this floor, I don't think I ever heard a cross word come from Norm Mineta with respect to other Members in this House.

I certainly thank Congressman HONDA and Congresswoman CHU, both from the great State of California, for offering this resolution, and I am proud to be a cosponsor and urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, there seems to be a California conspiracy here in considering this important legislation. But be that as it may, I am honored to yield 5 minutes to the distinguished lady from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I rise today to honor one of America's great pioneers. Secretary Norman Mineta is a role model for Americans of every color, background, and creed. His story is one of sacrifice, hardship, dedication, and triumph. His success in the face of adversity is not only important to Asian Americans but to all Americans.

Secretary Mineta was born to Japanese immigrant parents who came to America for a better life, even though they faced harsh conditions, particularly in the halls of Congress. After passage of the Asian Exclusion Act, Japanese immigrants were prohibited from becoming citizens, forced to carry papers with them at all times, and often harassed and detained. If they couldn't produce the proper documents, authorities threw them into prison or even out of the country.

But it didn't end there. When Mineta was a young boy, he and his parents were rounded up, forced out of their home, and shipped off to live in the Santa Anita racetrack on the infamous order of President Roosevelt during World War II. Three months later, they ended up at Heart Mountain internment camp near Cody, Wyoming, where they lived surrounded by barbed wire as the war dragged on.

For some, such treatment would make them abandon their country, but not Secretary Mineta. After graduating from business school at Cal Berkeley, he signed up for the Army and served the very Nation that imprisoned his family, and he served as an intelligence officer in Japan and Korea.

This dedication to service never left him, and when asked to join the San Jose City Council he jumped at the chance. With this City Council seat, he became the first minority and first Asian American City Council member in San Jose. It wasn't long before he was elected the first Asian American mayor of a major U.S. city, and thus began a long line of major accomplishments for a leader who was ahead of his time.

It is because of Secretary Mineta, who introduced legislation when he was in Congress, that we designate May as Asian-Pacific American Heritage Month. Because of that, today all Americans are reminded of the many contributions Asian Americans have made to this country. It was Secretary Mineta who spearheaded the long push and final passage of the Japanese American reparations bill. Because of him, finally there was an apology and relief to the 120,000 Japanese Americans who lost everything while being interned during World War II just because of their ancestry.

And it was Secretary Mineta who cofounded and cochaired the Congressional Asian Pacific American Caucus. Today, our caucus is 11 members strong, providing a unified voice for issues unique to the Asian American community.

And that was all before he became Secretary. A decade ago, he was appointed by President Clinton as the U.S. Secretary of Commerce, making him the first Asian American to be a Cabinet member, and then he was appointed—the only Democratic Cabinet Secretary under President George Bush—to head the Department of Transportation. And, after 5 years in the post, he became the longest-serving Transportation Secretary in the Department's history.

I can think of no one more deserving for this body to honor than Secretary Mineta. He is an inspiration to many, including me, and we owe a debt of gratitude for all that he has done to put Asian Americans on the map and to put America on the map. It is because of his leadership that America is a better and stronger Nation today.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from North Carolina (Mr. COBLE) to make sure this is not just an all-California event.

□ 2130

Mr. COBLE. Mr. Speaker, I thank my friend from California for having yielded.

As has been mentioned, Mr. Speaker, the distinguished career of Norm Mineta included service in the House of Representatives, where he represented his district in California. As furthermore has been noted, he was subsequently appointed as the U.S. Department of Transportation Secretary, having served as George W. Bush's DOT Secretary.

I met Norm Mineta initially in the well of the people's House. It involved one of the first bills that I managed on the floor. In fact, it was my first managed bill. Norm and I were on opposite sides of that bill, and Norm's side prevailed. Norm then came to me across the aisle and expressed his thanks for the manner in which I had managed the bill. I was a fledgling rookie, Mr. Speaker; Norm Mineta, a seasoned, highly-regarded Member of the United States House of Representatives. But this was vintage Mineta, always making others feel special, always elevating others.

Once he became the DOT Secretary, Norm learned that I had previously served in the United States Coast Guard. The Coast Guard at that time was a Department of Transportation service. Norm Mineta then began addressing me simply as ''Coasty.'' To this day, I am known by Norm Mineta as ''Coasty.''

So, Norm, your old ''Coasty'' pal is honored to have participated in this resolution recognizing the accomplishments of Norm Mineta. Best regards to you, Norm, and to your family.

Mr. FALEOMAVAEGA. Mr. Speaker, from California to Massachusetts, I gladly yield 3 minutes to my good friend, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I came to the floor to do a Special Order, which I will do subsequently, but I then saw that this was on the agenda and I was moved to speak.

I had the great honor of being the chairman of the Subcommittee on Administrative Law when the Japanese reparations and apology bill was passed. Norm Mineta and the late Bob Matsui approached me when I became chairman, this was several years after the report had come out, and we talked about it.

I had, in college, read the case, which appalled me, when the U.S. Supreme Court denied any relief to the Japanese Americans who had been so brutally mistreated with no justification, so I was well aware of it when I came here, and I was very pleased to have the opportunity to work with two great men, Norm Mineta and Bob Matsui, to undo this.

I had the enormous honor, Mr. Speaker, inspired by them, of being

able to read on the floor of this House the words from that bill, ''On behalf of the Nation, Congress apologizes.'' I cannot think of a greater example of the true strength of this Nation than for us to have voted, Yes, we apologize. We did wrong. So I was very pleased to work with Norm.

But here is the point I wanted to add. I had been the chairman. It was my job to do this, and we got the bill through. Several years after that, at the Japanese American Citizens League, a group of younger people offered an amendment to support the right of gay men and lesbians, people like myself, to express their love for each other by marrying. That was early in the movement for this, and there was kind of a generational divide, I believe, about what should happen.

Norm Mineta, by then a senior Member of Congress, was involved. Now, he got involved voluntarily. Members here will understand. We have enough controversy here on the floor. We don't generally seek out controversies that don't involve our formal duties. Indeed, we tend to duck them.

Norm Mineta intervened in that debate, not inappropriately, but in the formal sense of an intervention, and said, in words that move me to this day, that a gay man, myself, had been the chairman of the committee that brought forward this bill, and after that, how could he and how could an organization in which he played a major role deny our basic rights?

Now, obviously that meant a great deal to me, but it meant something of universal appeal. Here was Norm Mineta, having worked hard and led us to deal with the grave injustice to which he had been subjected, making a point that I hope Members will understand: Injustice cannot be divided and fought by some and not by others. It cannot be that people will object only when they are treated unfairly but turn their backs when others are treated the same.

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

Mr. FALEOMAVAEGA. I yield the gentleman 1 additional minute.

Mr. FRANK of Massachusetts. Norm Mineta, in a very uncharacteristic act, not for Norm, who was a great, generous man, Norm Mineta, in an act uncharacteristic for a Member of Congress, involved himself in that debate to make the point—not simply about me; I was incidental to the broader point he was making—that human rights ought to be treated as indivisible, that it is not for this group and that group, and that people should, yes, fight for themselves, but having fought for themselves, they should not stint from fighting for others.

That was a lesson that Norm taught a whole lot of people in, as has been said, not an obnoxious way, a loud way, but with a genuine warmth and sincerity.

As I look back at some point on my congressional career, having had the opportunity to work with Norm Mineta on that bill and having watched the way in which he dealt with it, the way in which he turned what could have been a source of anger into a lesson for all of us about the indivisibility of the fight for justice, will be one of the highlights.

I thank all of those involved for bringing this forward.

Mr. DANIEL E. LUNGREN of California. If the gentleman from American Samoa has no other speakers, I yield back the balance of my time.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, not wanting to be repetitious, and I think all has been said by our previous speakers, I do want to thank the gentleman from California for his support of this legislation, and Chairman BRADY as well and members of the House Administration Committee.

Mr. Speaker, I learned something that I don't think was ever mentioned in my personal and close association and in knowing this giant named Norm Mineta and my former colleague, the late Congressman Bob Matsui. The interesting thing about the history of these two distinguished gentleman, Mr. Speaker, is that they were both incarcerated in these relocation camps that I call concentration camps when they were in their early years, 5, 6, 7 years of age.

One of the distinguished things that I always remember that Norm shared with us, the story about being in these relocation camps when they were in their youth, was the nature of how these machine gun nests were being placed within the compound. The interesting thing is they asked what is the purpose of having these machine gun nests on these compounds where the Japanese Americans were being interned. They were told these were to protect them from outsiders who may come to do them harm. What is even more ironic about this is the fact that the machine guns were pointed inward into the compound, rather than having any sense of concern to worry about what may happen outside the compound.

Mr. Speaker, as a former member of the 100th Battalion, 442nd Infantry Group in the State of Hawaii, it has been my privilege to serve as a proud member of the 100th Battalion, 442nd Infantry.

Just to give you a little sense of history of what the legacy and what Norm Mineta represents as far as American history is concerned, despite all the height of racism and bigotry that was heaped against Americans who happened to be of Japanese ancestry—they were herded like cattle, over 100,000 Americans, men, women, and children, put in several of these camps for fear that they might cause problems and whatever they felt was necessary—but despite all of that, despite all of that, some 10,000 Japanese American men volunteered to serve and fight our enemy during World War II, and as a result, the 100th Battalion, 442nd Infantry were organized. And get a load of this, Mr. Speaker, there were 18,000 individual medals, 9,000 Purple Hearts, some 560 Silver Stars, 52 Distinguished Service Crosses, and only one Medal of Honor. Only one Medal of Honor, Mr. Speaker.

I am so happy that during the Clinton administration this was corrected. When there was a review process, 19 additional Medals of Honor were awarded to these Japanese American soldiers who fought for our country in World War II, and it so happens that Senator INOUYE was one of those recipients of the Medal of Honor.

So I want to share that little bit of history with my colleagues. Norm Mineta is truly a giant of a man, and among the 15 million Asian Pacific Americans, we are so proud to see what he has done, not only as a leader, but providing tremendous service to our Nation.

□ 2140

I want to say that, Mr. Speaker, respectfully, and with my good friend from Massachusetts and the delegation from California for their support of this proposed legislation.

We gather today to honor a special man—a dear friend and mentor to me—Mr. Norman Yoshio Mineta. I thank the gentleman from California, Mr. HONDA, for sponsoring this resolution, and I thank my fellow Members of Congress who join us today.

Norman Mineta is a ground-breaker and a pioneer. His accomplishments and his character make him a role model to former colleagues, to Members of Congress and other government leaders, to his former constituents and his community, to Asian-Pacific Americans, and to anyone wanting to make a contribution to their country through public service.

As a pioneer, Mr. Mineta is a man of many ''firsts.'' He was the first Asian-Pacific American mayor of a major U.S. city, serving as mayor of San Jose from 1971–1975. He was also the first Asian American to hold a post in the presidential cabinet, appointed as Secretary of Commerce in 2000 by President Clinton. In 2001, Mineta was appointed to a cabinet post once again as Secretary of Transportation in the Bush Administration, also becoming the first Asian-Pacific American to hold the position, and the first Secretary of Transportation to have previously served in a cabinet position. At the end of his term in 2006, Mineta was the longest-serving Secretary of Transportation since the position's inception in 1967.

Before his successes in the Clinton and Bush administrations, Mineta represented California's Silicon Valley area in the U.S. House of Representatives for 20 years. During his years of outstanding leadership, Mineta also chaired the House Public Works and Transportation Committee between 1992 and 1994. Before becoming Committee Chair, he served as Chair for the Committee's Aviation Subcommittee from 1981 to 1988, and its Surface

Transportation Subcommittee from 1989 to 1991.

In my own life, Mr. Mineta has played an influential role, setting the path for future Asian-Pacific Americans who serve in this Chamber. In 1994, Mineta founded the Congressional Asian Pacific American Caucus (CAPAC), and served as its first Chair. Since inception, CAPAC has been a strong advocate for the Asian-Pacific American community on critical issues such as housing, healthcare, immigration, civil rights, economic development, and education, just to name a few. I am honored to serve with Mr. HONDA and our fellow members in this body of advocates, continuing the groundbreaking path that Norman Mineta helped to pave for the Asian-Pacific American community.

Truly Norman Mineta's service is remarkable. Yet what makes his story even more remarkable is his example of overcoming hardship while maintaining a heart of service. Born in San Joe to Japanese immigrant parents, a young Mineta, along with thousands of other Japanese immigrants and Japanese Americans, spent the early years of his life in Japanese internment camps. Yet Mineta continued with a spirit of service and excellence, graduating from business school, serving as an intelligence officer in the U.S. Army, and later reaching unprecedented heights in his service to his Silicon Valley community, the Asian American community, and the nation.

Today I ask my fellow Members of Congress to honor a man whose character, patriotism, and heart of service calls for our sincere respect and gratitude. Norm, today I celebrate and thank you for your service. More importantly, I thank you for your example to the citizens of this nation.

I urge my colleagues to support this legislation.

Mr. AL GREEN of Texas. Mr. Speaker, it is with great enthusiasm that I support House Resolution 1377 honoring the accomplishments of the Honorable Norman Mineta. Former Congressman Norman Mineta is an outstanding leader and a noble American.

Former Congressman Mineta lived through a dark time in our Nation's history when we forced Japanese Americans into internment camps based solely on their heritage. He was forced to leave his home and eventually sent to the Heart Mountain Internment Camp near Cody, Wyoming. This injustice is in part what prompted him to champion the struggle against social injustice and oppression. Congressman Mineta addressed the injustices Japanese Americans endured during World War II with H.R. 442, the Civil Liberties Act of 1988, which passed with his leadership. He persisted in fighting for justice and equal rights for all. He has a human rights legacy worthy of being honored by this august body.

Hence, today as we honor him for his accomplishments, we are reminded of the moral imperative to fight against human indignities and injustices. Former Congressman Mineta not only understood the value of acknowledging our past mistakes but also took meaningful actions to ensure that history does not repeat itself.

Former Congressman Mineta reminds us that collaborative efforts with the Asian American community can produce a greater America. This is evidenced by his founding the Congressional Asian Pacific American Caucus (CAPAC) which continues to use collaborative efforts to promote ideals for the well-being of Asian American and Pacific Islanders, as well as all Americans.

The history of Asian Americans and Pacific Islanders will continue to shape our Nation as their contributions make America a greater nation. This is why Asian American and Pacific Islander issues must continue to be a part of the great American debate.

Today, we honor Former Congressman Mineta for his accomplishments which have strengthened our entire nation. His legacy continues to remind us that liberty and justice for all can indeed be a reality for all.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 1377, which recognizes the accomplishments of a great American and a role model for the entire American Asian and Pacific Islander community—Norman Yoshio Mineta.

Secretary Mineta's long list of accomplishments have and continue to be a source of great pride to the Asian American community. At a time when few Asian Americans or Pacific Islanders were visible in the public sector, Norm was elected to Congress and rose to become Chairman of the House Transportation and Infrastructure Committee, on which I currently serve. I am always happy to see his face among the many portraits of chairmen lining the walls of the committee room. He served as Secretary of Commerce under President Bill Clinton and Secretary of Transportation under President George W. Bush.

I especially remember Norm's swearing in as Secretary of Commerce. I met Norm shortly after becoming Hawaii's Lieutenant Governor. We quickly became friends. I was so thrilled when I learned of his appointment as Secretary of Commerce that I flew up to Washington on very short notice to attend his swearing-in ceremony.

In addition to his more publicly acknowledged accomplishments, Norm is well recognized as a champion for ensuring the full participation of Asian Americans and Pacific Islanders in American life. He is an acknowledged leader in attaining redress for Japanese Americans who were interned during World War II. As a child, his family was relocated to an internment camp so he understood well how the injustice, hardship, and humiliation of this shameful episode impacted the Japanese American community. As a member of Congress, he established the Congressional Asian Pacific American Caucus (CAPAC), which remains active today.

We are all proud of Norm and thankful for all he did during his many years of public and private service. But I also want to say something about the man. He is a delight. Norm is a great storyteller; he has great comic timing and a wonderful sense of humor. I feel very lucky to call him friend.

Norman Mineta exemplifies the Japanese concept of gaman—to endure the seemingly unbearable with patience and dignity. He was dealt a difficult hand in being uprooted with his family and forced to live behind barbed wire for the sin of being of Japanese ethnicity. But he has created a beautiful life full of accomplishment, the love of friends and family, and the knowledge that he has truly made a difference.

Ms. HARMAN. Mr. Speaker, I rise today to honor the many achievements, years of public service and the tremendous contributions to the Asian American and Pacific Islander community made by my friend and former colleague, Norman Mineta.

Norman's remarkable life has taken him from a World War II Wyoming internment camp to the Halls of Congress and consecutive cabinet positions under two Presidents—one Democrat and one Republican.

He was still in Congress when I was first elected—and a mentor to California newbies like me. When he resigned in 1995 to join Lockheed Martin, he did a considerable amount of good in my district and our friendship grew.

In 2000, he was appointed by President Clinton as the Secretary or Commerce—the first Asian American to hold a Cabinet post. He then became the longest serving Secretary of Transportation in U.S. history, under President Bush.

As the lone Democrat in a Republican Cabinet, Norm was a trailblazer for bipartisanship at a time when the Nation was deeply divided.

When the planes hit the Pentagon and Twin Towers on 9/11, Norm was the steady hand that the country needed to issue the unprecedented order to ground all civilian aircraft traffic.

As a public official who has served his country for more than 40 years, Norm has been an advocate of equal rights and opportunity for all Americans, has faced and overcome serious debilitating back problems and been devoted to his wife Deni and their blended family.

Norm is a wonderful man and reflects the best in a public servant.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today in support of H. Res. 1377, honoring the accomplishments of Norman Yoshio Mineta.

Norm Mineta has had an extraordinary career as a public servant, making countless contributions both to our nation and to the city of San Jose, which I've had the pleasure of representing since 1995.

Norm Mineta was born in San Jose in 1931, to Japanese immigrant parents who owned a successful insurance company. In 1942, following the attack on Pearl Harbor, Executive Order 9066 declared all persons of Japanese ancestry to be ''enemy aliens,'' and his family, along with many other Japanese-American families, was forced to relocate to an internment camp. Despite this treatment, Mr. Mineta's father volunteered to teach Japanese to American soldiers, and Mr. Mineta himself ultimately participated in the Reserve Officers Training Program while at the University of California at Berkeley, and after graduating in 1953, served as an Army intelligence officer in Japan and Korea. Following his military service, Mr. Mineta returned to San Jose to join his father at the Mineta Insurance Agency. He was active in the community, serving on the Santa Clara Council of Churches, and the city's Human Relations Commission. In 1967, he was appointed to fill a vacant City Council seat, which he was later elected to, and in 1971, he became the first Asian American mayor of a major U.S. city, when he was elected as mayor of San Jose. From 1975 to 1995, an important period of growth in Silicon Valley, Norm Mineta represented California's 15th district in the U.S. House of Representatives. Over the course of his ten-term tenure in Congress, his many accomplishments included co-founding the Congressional Asian Pacific American Caucus, securing a formal

apology and financial reparations for interned Japanese Americans, and serving as the Chairman of the House Public Works and Transportation Committee. In 1995, Mr. Mineta returned to the private sector as a Vice President at Lockheed Martin. In addition, he served as Chair of the National Civil Aviation Review Commission, which offered a number of proposals for Federal Aviation Administration (FAA) reform that were adopted by President Clinton. In 2000, Mr. Mineta became the first Asian American to serve in a Presidential Cabinet when he was named as President Clinton's Secretary of Commerce. The following year, President George W. Bush asked him to serve as his Secretary of Transportation, where he played a key role in the nation's response to the attacks of September 11. In 2002, the San Jose International Airport was renamed the Norman Y. Mineta San Jose International Airport in honor of this native son. In 2006, President Bush awarded Mr. Mineta with the Presidential Medal of Freedom, the highest civilian award in the United States. He has also received the Grand Cordon of the Order of the Rising Sun from the Japanese Government.

I urge my colleagues to join me in supporting this resolution and honoring Mr. Mineta's contributions and service to our country and to the city of San Jose.

Mr. MCNERNEY. Mr. Speaker, I rise today in support of H. Res. 1377, a resolution honoring the accomplishments of Norman Yoshio Mineta. As a proud member of the Congressional Asian Pacific American Caucus (CAPAC), I think it is important to honor Mr. Mineta, the founder and first chair of the organization, and I commend my colleague, Mr. HONDA for introducing this resolution.

Despite suffering a great historic injustice and spending several difficult childhood years in an internment camp during World War II, Norm Mineta has dedicated much of his life to public service. Mr. Mineta served our country in the Army as an intelligence officer in Korea and Japan before starting his political career as the first minority city council member in San Jose, California. He went on to serve as San Jose's mayor, after which he became a Member of Congress. Mr. Mineta was also a trusted adviser to presidents of both political parties, serving as Secretary of Commerce in the Clinton Administration and as Secretary of Transportation under President George W. Bush. In these capacities, Mr. Mineta achieved many significant accomplishments in transportation, technology, national security, commerce, and minority rights.

Norm Mineta is a true leader of our country, and it is only fitting that he is honored for his lifetime of commitment and work. I encourage my colleagues to support H. Res. 1377, and look forward to its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 1377.

The question was taken.

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

Mr. FALEOMAVAEGA. 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.

SPECIAL ORDERS

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

DEFICIT REDUCTION

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

Mr. FRANK of Massachusetts. Mr. Speaker, I have been troubled by what seems to me a mistaken focus in the debate about reducing the deficit. I do agree that it is important to reduce the deficit. Indeed, Mr. Speaker, I now believe that I am more focused on reducing the deficit than many of my colleagues, including on the other side of the aisle, who have with great alacrity put deficit reduction aside in favor of a fairly indiscriminate degree of tax reductions.

A couple of weeks ago, we were told that reducing the deficit was the number one priority, but reducing the taxes, particularly on the wealthiest in America, rapidly overtook deficit reduction. I hope we will get back to it. What troubles me is the extent to which people, mainly on the Republican side, but elsewhere as well, have said that what we need to do most to get the deficit down, as we should, is to reduce entitlements. That's a polite way of saying they want to cut Social Security and Medicare and Medicaid, even though Medicaid is not an entitlement. But those are the things that are on the agenda.

In fact, that is neither socially or economically the sensible way to begin with the short-term—near-term deficit reduction we need. We shouldn't say short-term. We do, I believe, need some stimulus. I'm glad we are extending unemployment compensation. I wish we were doing more to help cities and States keep people on the payroll. The private sector has added jobs in these past few months. Job growth has been held down because the public sector has been forced at the State and local level to fire people. But this focus on Medicare and Social Security is mistaken economically and politically.

Mr. Speaker, let me calculate; about 45 years ago, I took an economics course in graduate school from a young assistant professor named Henry Aaron. I was impressed with him then, and I've been impressed with him since. In the New York Times recently he had an article in the op ed page headlined: ''All or Nothing Equals Nothing,'' in which he argued that the focus on reducing the deficit by 2020, which is the time we've set ourselves, which is very important, is an issue that should not encompass a focus on Social Security and Medicare.

He is not saying ignore Social Security and Medicare, only that a rational way to go after the deficit in the near term wouldn't focus on them. And Social Security, as he points out, Social Security is not going to be contributing to the deficit at that point. Indeed, Social Security at this point is in such good economic shape that people have decided Social Security should be a contributor to economic stimulus because we are reducing the revenue that comes into Social Security for 2 years by reducing the payroll tax.

Now I think that's a useful stimulus, but I regret the fact that it was not accompanied by a binding piece of legislation that will return that money from elsewhere in the general fund so that we don't put Social Security further in the hole. But as Henry Aaron points out, yes, we should begin to look at Social Security and the problems of 30 years from now. My own view is that you do that mostly by increasing the level of income on which the tax is levied, but there is no need to begin doing that right away.

I should have said this earlier, Mr. Speaker. Two of the greatest accomplishments of America in the 20th century, Social Security and Medicare, accomplished an important goal. They made it the case that poverty was no longer going to be the rule for many older people. Prior to Social Security and then Medicare, poverty was too often the reward for living long enough if you weren't rich. We have brought older people on the whole—not entirely—out of poverty. There are still enough low-income older people that I greatly regretted the fact that this House and the Senate, which are apparently ready to give multimillionaires tax breaks, couldn't support $250 per person for Social Security recipients, some of whom were wealthy but many of whom are quite poor. And I have people saying, Well, you don't want to give Warren Buffett $250. Mr. Buffett, to his credit, has objected to a $250,000 grant that he is being offered—more than that—in the tax reduction that is being offered—tax reduction from what current law would be.

But Henry Aaron makes the point that focusing on Social Security is taking up a very controversial issue way prematurely. And as for Medicare, here is what he said, which is of great social and economic importance: ''To slash Medicare and Medicaid spending before reforms to the health care system bear fruit would mean reneging on the Nation's commitment to provide standard health care for the elderly, the disabled, and the poor. The only realistic way to realize big savings in the two programs is to reform the entire health care payment and delivery system in a way that will slow the growth of all health spending.''

I am asking, Mr. Speaker, that Members read this. Henry Aaron is a great

economist. He has studied Social Security as well as anybody. He has studied Medicare. He makes the point that focusing almost exclusively on those—or primarily on those—as a way to end the deficit is bad social, economic, and political policy.

Let me say at this point, Mr. Speaker, speaking for myself, not for Aaron, there are things we can do in the near term. If we hadn't gone into Iraq, that terribly mistaken war in which so many brave Americans suffered, we would have a trillion dollars more than we have today. We are grossly overextended in having military presence all over the world where it is needed and where it isn't. We continue to spend tens and tens of billions of dollars a year protecting Western Europe when they're not in danger and can protect themselves.

So let's focus on reducing military spending, let's rationalize agriculture spending, let's put some restraints elsewhere. But as Henry Aaron correctly points out in this article, let's not make the mistake of focusing on Social Security and Medicare, prematurely in the case of Social Security, and in a socially destructive way with regard to Medicare and Medicaid.

ALL OR NOTHING = NOTHING

(By Henry J. Aaron)

WASHINGTON.—Two plans for reducing the federal deficit are now on the table. One of them, proposed by the chairmen of President Obama's debt-reduction commission, Erskine Bowles and Alan Simpson, was endorsed on Friday by 11 of the 18 panel members. The other comes from the nonprofit Bipartisan Policy Center. The two plans differ in important ways, but both put everything on the table, including not only things like tax rates and defense spending but also Social Security, Medicare and Medicaid.

This approach is mistaken, and it's at the heart of why both plans are unlikely to succeed, Deficit reduction should stop debt from growing faster than gross domestic product—and do so within the next decade. But closing the projected long-term gap between Social Security spending and revenues and materially slowing the growth in Medicare and Medicaid spending will take much longer.

The Bipartisan Policy Center's proposal illustrates this temporal mismatch. It aims to prevent government debt—now equal to roughly 60 percent of gross national product from growing faster than income does. After some additional increase during the current economic slowdown, this plan would return the ratio of debt to income to below 60 percent by 2020. To that end, it would lower government spending and raise taxes by $5 trillion over that period. Its menu is replete with controversial items—including cuts in defense spending, a national value-added tax and myriad cuts in domestic spending.

The most highly charged suggestions, however, are its proposed changes in Medicare, Medicaid and Social Security. The plan would convert Medicare into a voucher system under which the elderly and disabled would receive money to buy health insurance. The value of this voucher would increase more slowly than health care costs have grown for the the past half century. The proposal would also raise by two- to five-fold the states' share of part of Medicaid costs.

The Bipartisan Policy Center's plan would also reduce the share of earnings that Social Security would replace for future retirees. This ''replacement rate'' is already set to decline under current law, but the plan would cut it further, by as much as 22.5 percent.

The proposed changes in Social Security, Medicare and Medicaid (whose acceptance by Congress is not assured, to say the least) account for only 5 percent of the deficit reduction that the overall plan would achieve by 2020. To be sure, they promise to do considerably more in later years. But they are largely extraneous to the immediate goal of deficit reduction and debt stabilization by 2020.

The president's debt-reduction commission advances even larger changes to Social Security—cuts of up to 41.5 percent—a longer list of near-term changes to Medicare and a blanket cap on the longer-term growth of overall health care spending. But approach is similar to that of the Bipartisan Policy Center's in that it relies primarily on cuts in other government spending and on tax increases to reduce the deficit.

Stabilizing the debt must begin as soon as economic recovery is well established and must be accomplished over the next decade in order to prevent the ratio of debt to G.D.P. from becoming excessive. Timely deficit reduction is therefore urgent. Asking Congress simultaneously to reform three of the most important and complicated government programs only jeopardizes the solution of the more immediate problem.

The Social Security challenge plays out over the next quarter-century. Early legislation to close the gap between revenues and spending is desirable, because changes will be less onerous if they are phased in. If President Obama believes that a commission could help to restore balance in Social Security, he should appoint one now, but its work could not do much quickly to help reduce the deficit.

The fiscal challenge posed by Medicare and Medicaid is vastly larger and infinitely more difficult to meet than that posed by Social Security. Some modest savings in Medicare are manageable, along the lines suggested by both commissions, including increased premiums for upper-income beneficiaries and modest increases in Medicare deductibles.

As for Medicaid, its benefits are already stringently limited in some states. In others, payments to providers are so low that doctors shun the program and hospitals suffer losses. To reduce Medicaid benefits now, just as the Affordable Care Act will be adding roughly 16 million new beneficiaries, would risk chaos.

To slash Medicare and Medicaid spending before reforms to the health care system bear fruit would mean reneging on the nation's commitment to provide standard health care for the elderly, the disabled and the poor. The only realistic way to realize big savings in the two programs is to reform the entire health care payment and delivery system in a way that will slow the growth of all health spending, The Affordable Care Act is intended to initiate such systemic reforms. The best way to rein in growth of spending on Medicare and Medicaid is to put the provisions of that law into action, but this will take many years.

The job that should not be delayed, to stop excessive growth in the federal deficit, is challenging but doable: curb tax expenditures (including tax deductions, credits, exclusions and exemptions); end at least some of the tax cuts that were enacted under President George W. Bush; enact many of the cuts in defense spending advocated by both budget commissions; limit, but not eviscerate, other discretionary spending; and gradually increase Medicare premiums for upper-income beneficiaries.

Congress and President Obama should adopt a three-stage program: start deficit reduction as soon as recovery is securely under way, reform Social Security soon and resolutely carry out the Affordable Care Act so that the growth of Medicare and Medicaid can be slowed, Trying to do everything at once only makes it difficult to do anything at all.

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

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

□ 2150

HONORING THE LIFE AND SERVICE OF PETTY OFFICER ZARIAN WOOD

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

Mr. OLSON. Mr. Speaker, I rise today to pay tribute to Navy Petty Officer 3rd Class Zarian Wood of Houston, Texas.

Zarian, known as ''Z'' to his friends, was killed on May 16, 2010, in a bomb blast during a foot patrol in Helmand Province, Afghanistan. He was 29 years old.

After serving in combat in Iraq from 2007 to 2008, Zarian volunteered for a second combat tour. This tour sent him on a 7-month stint to Afghanistan, where he was assigned to India Company, 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force.

Z was trained to be a hospital corpsman, the first out of the foxhole to rush to a wounded comrade. Well, in Afghanistan, he was known as ''Doc,'' serving on the front lines alongside Marine infantrymen from Camp Pendleton, California.

Z was a 1999 graduate of South Houston High School, where he competed on the Trojan wrestling team. After high school, Z worked as a youth pastor and tutor for at-risk children on Houston's northeast side and as a merchandiser for Coca-Cola before enlisting in the Navy in 2006.

Z was known for living life to the fullest. His life embodies the fabric of the exceptional men and women who comprise our U.S. military. He is the embodiment of the honorable, courageous, and patriotic young Americans we are privileged to have defending our country. His selfless heroism, both as a civilian and in the military, created a legacy of courage and patriotism that will not be forgotten by those who knew him.

The liberty we cherish in this Nation has come at a great cost. Zarian and his family have paid the ultimate price for our freedom—but it is not without the tremendous gratitude of this Nation, this Congress, and this Congressman.

Mr. Speaker, America cannot repay the debt we owe to Zarian and his family. What can we do?

We can say thank you, thank you, thank you to Z for his selfless commitment to serve our Nation and thank you, thank you, thank you to his family for raising such a strong, wonderful and selfless Navy hero.

Zarian Wood is a true patriot, and a grateful Nation says: Semper Fi, fair winds and following seas.

Z, may you find eternal peace in God's arms.

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

H.R. 2030, SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2009

Mr. CONYERS. Madam Speaker, I submit the following summary of the bill, H.R. 2030.

The Water for the World Act sets a benchmark of providing 100 million of the world's poorest with first-time access to safe and sustainable drinking water and sanitation by 2015. To achieve this, the Act builds upon the success of the 2005 Water for the Poor Act by:

Establishing a Senior Advisor for Water within USAID to implement country-specific water strategies;

Creating a Special Coordinator for International Water within the State Department to coordinate the diplomatic policy of the U.S. with respect to global freshwater issues;

Establishing programs in countries of greatest need that invest in local capacity, education, and coordination with US efforts; and

Emphasizing cross-border and cross-discipline collaboration, as well as the utilization of low-cost technologies, such as hand washing stations and latrines.

The Water for the World Act, S. 624/H.R. 2030, is endorsed by a number of global health and environmental advocates, including Water Advocates, the Natural Resources Defense Council, ONE, Mercy Corps, International Housing Coalition, CARE, and Population Services International.

H.R. 2030 Co-sponsors: Democrats–87, Republicans–10.

IMPORTANT FACTS

The number of children who die every day from diarrheal diseases spread through poor sanitation and hygiene: 4,100.

Every day that Congress delays in addressing this problem, more children unnecessarily die. We have the moral obligation to get this legislation done.

The annual economic benefit to the African continent, including in saved time, increased productivity and reduced health costs if the Millennium Development Goals on water and sanitation are met by 2015: $22 billion.

The amount national governments in sub-Saharan Africa could save in annual public health expenditures if the Millennium Development Goals on water and sanitation are met by 2015: 12% (http://www.one.org/c/us/pastcampaign/2789/).

According to the World Health Organization, over 10% of the world's disease are caused purely by unsanitary water supplies.

One billion people do not have access to clean drinking water, and in the past ten years, everyone who has gained access to clean water in developing countries has lived in China or India, nations that are already rapidly improving their public water and sanitation systems.

2.4 Million deaths are caused annually by poor water conditions (4.2% of all deaths), meaning over 65,000 people die everyday that this bill is not signed.

In developing nations, only 5% of rural populations have access to plumbing and over 1 billion people still do not have access to a bathroom, spreading disease and infections.

TALKING POINTS AND QUOTES

Sustainable progress is about much more than water, but never about less.

Water is medicine. Toilets are medicine. The best kind of medicine—the kind that prevents African children from getting sick in the first place. We have known how to provide this medicine—safe water, sanitation, and handwashing, for centuries.

As Martin Luther King, Jr. said: "We will not be satisfied until justice rolls down like waters and righteousness like a mighty stream."

Supreme Court Justice Kennedy: "This is not my area, but there are 6 billion people on the planet and over 2 billion do not have adequate drinking water. How many hours—and you can't call it man hours because it's women's work—how many hours a year are spent in sub-Saharan Africa bringing water to the family? Answer: 16 billion hours—with a "b"—and that is the lowest estimate. For some people that's 6–8 hours a day to get water for their family. You take a photo in sub-Saharan Africa of the elegant, stately African woman with the long colored dress and the water jug on her head—that jug weighs more than the luggage allowance at the airport. The temptation of the rule of law is to say well, you have the Magna Carta, you wait 600 years, then you have a revolution, then a civil war. What about Martin Luther King, Jr.'s 'fierce urgency of now'! These people cannot and will not wait and they should not."

The water crisis is a global phenomenon. Around the world today, nearly 1 billion people lack access to clean, safe water. More than 2 billion people lack access to basic sanitation. Most of these people live on less than $2 a day.

In Haiti, there are no public sewage treatment or disposal systems. Even in the capital, Port-au-Prince, a city of 2 million people, the drainage canals are choked with garbage. It is no wonder that Haiti has the highest infant and child mortality rate in the Western Hemisphere. One-third of Haiti's children do not live to see the age of 5. The leading killer? Waterborne diseases like hepatitis, typhoid, and diarrhea.

In Sub-Saharan Africa, a lack of access to clean water enslaves poor women. Women and girls are forced to walk two or three hours, or more, in each direction, every day, to collect water that is often dirty and unsafe. The U.N. estimates that these women spend a total of 40 billion working hours each year collecting water. That is equivalent to all of the hours worked in France in a year.

Water is even central to the fate of the Middle East. In his book, Paul Simon quoted former Israeli Prime Minister Yitzhak Rabin as saying, "If we solve every other problem in the Middle East but do not satisfactorily resolve the water problem, our region will explode. Peace will not be possible."

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

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the 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 gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

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

(Mr. DEFAZIO 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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE 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 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 Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida 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 California (Mr. MCCLINTOCK) is recognized for 5 minutes.

(Mr. MCCLINTOCK 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 Georgia (Mr. GINGREY) is recognized for 5 minutes.

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

HONORING THE LIFE AND SERVICE OF AMERICA'S PEACEMAKER, AMBASSADOR RICHARD HOLBROOKE

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the majority leader.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Speaker.

I am saddened by the occasion on which I come to the floor of the House, but it is a privilege to be able to speak about a great American, for we do not capture the life and the legacy of great Americans. We find ourselves forgetting. Some would say, if we don't remember the past, we are doomed to repeat some of those hills and valleys in the future. Tonight, I want to remember Ambassador Richard Holbrooke, whom this Nation lost on Monday evening.

It is important that his story be told for I would like to know him and for this Nation to know him as America's peacemaker, but many will say that peacemaker had a tough edge.

Before I start, I want to mention his family and express my sympathy to them for their loss—to his wife, his two sons, and his stepchildren—all who loved him so very, very much.

What I would say to you is that this was an action man. He was someone who threw himself into the world of diplomacy. Frankly, there was no challenge of peace too difficult for Ambassador Richard Holbrooke.

One newspaper, USA Today, calls him as he is known in the headline—Bulldozer, Giant of Diplomacy Holbrooke Dies.

Among his credits, the 1995 Bosnian pact, but Richard was also known around the world for being unending and unceasing in his commitment to solving a problem, and he would ask you to work with him to solve that problem.

Henry Kissinger said, If Richard calls you and asks you for something, just say, ''Yes.'' If you say, ''No,'' you will eventually get to saying ''yes,'' but the journey will be very painful.

Ambassador Holbrooke was not prepared to give up. He learned to become extremely informed about whatever country he was in. He would push for an exit strategy and look for ways to get those who lived in a country to take responsibility for their own security. He didn't mind getting engaged and involved with those who lived in faraway places, whether it was Vietnam or whether it was Bosnia—the resulting agreement, the Dayton peace treaty. The Washington Post headline credited him with deft maneuvering that resulted in that peace treaty. He brokered the accord in Bosnia. He was seeking peace in Afghanistan, and he refused to give up.

So, tonight, it is important that we remember this man, this gentleman—this giant of a man, large in size and with the capacity to do much. America was saddened by his loss. In particular, I note that Ambassador Holbrooke always accepted the call to duty, whether it was as the U.N. ambassador or whether it was as the special envoy which President Obama called him to be. In the time of sadness, many came to present and to give their thoughts. Let me share with you some of those words.

For nearly 50 years, Richard served the country he loved with honor and distinction. He worked as a young foreign service officer during the Vietnam war, and then supported the Paris Peace Talks, which ended that war.

□ 2200

As a young assistant Secretary of State for East Asian and Pacific Affairs, he helped normalize relations with China. As U.S. ambassador to Germany, he helped Europe emerge from a long Cold War and encouraged NATO to welcome new members. The progress that we have made in Afghanistan and Pakistan is due in no small measure to Richard's relentless focus on America's national interests and pursuit of peace and security. He understood in his life, his work, and his interests that they encompass the values that we hold so dear, and as usual, amidst this extraordinary duty, he also mentored young people who will serve our country for decades to come. One of his friends and admirers once said that if you're not on the team and you're in the way, God help you. Like so many Presidents before me, I am grateful that Richard Holbrooke was on my team, as are the American people. President Barack Obama.

I remind you, like so many Presidents before me, I'm grateful that he was on my team. The President understood the kind of strength that Ambassador Holbrooke had. This sounds just like him: If you're not on the team and you're in his way, God help you. But remember, he was doing it for the good of this Nation and for the good of the world.

Another comment on his great life: In a lifetime of passionate, brilliant service on the front lines of war and peace, freedom and oppression, Richard Holbrooke saved lives, secured peace, and restored hope for countless people around the world. He was central to our efforts to limit ethnic cleansing in Kosova and paved the way for its independence, and he found a way to break the stalemate in the talks in Cyprus.

Little known to many people, I was proud to nominate him as the United States Ambassador to the United Nations where he helped equip the U.N. to meet the challenges of our 21st-century world. Former President Bill Clinton.

Let me just reiterate these words. He helped restore hope for countless people around the world. I remember engaging with Ambassador Holbrooke in the early stages of my congressional career, and I remember him as the United Nations ambassador: resilient, joyful, persistent, determined, ready to tackle the world for peace. He wasn't bored with his job. He was never bored. He was always ready to do what was right.

Another comment on his life: Richard Holbrooke was a larger-than-life figure who through his brilliance, determination and sheer force of will helped bend the curve of history in the direction of progress. He touched so many lives and helped save countless more. He was a tireless negotiator, a relentless advocate for American interests, and the most talented diplomat we have had in a generation. Vice President JOE BIDEN.

Other words pouring out for him and toward him: From his early days in Vietnam, to his historic role bringing peace to the Balkans, to his last mission in Afghanistan and Pakistan, Richard helped shape our history, manage our perilous present, and secure our future. I had the privilege to know Richard for many years and to call him a friend, colleague, and confidante. As Secretary of State, I have counted on his advice, relied on his leadership. This is a sad day for me, for the State Department and, yes, for the United States of America. Secretary of State Hillary Clinton.

Some would say that States and defense, power and diplomacy, sometimes did not match or mix, but Richard Holbrooke knew how to walk that line. Ambassador Holbrooke was one of the most formidable and consequential public servants of his generation, bringing his uncommon passion, energy, tenacity, and intellect to bear on the most difficult national security interests of our time. Secretary of Defense Robert Gates.

He never lost time fighting for ideals he believed in. He never lost touch with the problems faced by millions of people he never knew. And he never lost hope that those same people could live in peace, security, and safety. Indeed, he shared their vivid aspirations. The Joint Chiefs of Staff, Mike Mullen.

You can see that he interacted with these leaders of our present government and past government quite frequently. He was a frequent visitor to the White House. Those who worked in this area and those who did not knew Ambassador Richard Holbrooke, and he drew the admiration and respect and sometimes the intimidation of those who watched him work and wondered

what he would say next. Well, I can tell you as someone who has likewise watched his work, he would be talking about peace.

Further words about him: His drive was immense. His desire to do good in the world was fierce, and he pursued all that he set out to do with a resolution and tenacity that was second to none. His legacy will be his work, his inspiration to so many around the world. That's what we should note about Ambassador Holbrooke: how many miles he accumulated in his travels around the world, how many times in his lifetime around the world he went.

More than we probably could calculate because, when this Nation called him, when there was a conflict, a difficult situation, where people were at odds, where others were suffering, he wanted to intervene and to bring peace. He wanted to see the best of Pakistan and Afghanistan. He wanted those people to thrive and to grow. He wanted the children to have an opportunity for education and to mature into citizens of their nation.

He wanted the people of Afghanistan to have freedom and a good government and good governance. He wanted there to be the opportunity for girls to go to school and women to be respected and held in dignity and to have the same access to opportunities that we cherish here in the United States of America. He cared about our soldiers on the front line, and he knew that they were putting themselves on the line so that he could work his magic and bring resolution.

You know what I would say to my colleagues, I know that the heads of state of both Pakistan and Afghanistan have experienced the similar loss and pain of a giant like Ambassador Holbrooke in losing his life. I know that because both Presidents, Presidents Zardari and Karzai, called the family to express their concern. Presidents called far away from their homes, as one could imagine, because they respected a man who would get in the mix and fight both, if he had to, to draw them together and to iron out or to box out these particular issues that were keeping us from being united around the question of peace.

Further comments about this great man. They noted that Ambassador Holbrooke's service spanned decades and continents confronting profoundly difficult issues and global affairs. The members of the council expressed admiration for his contributions as the United States' permanent representative to the United Nations, as well as for his energetic and unrelenting commitment to promoting peace and strengthening international cooperation of the United Nations.

I will tell you that his work at the United Nations allowed him to touch governments around the world, and I venture to say that any hotspot that would occur today, this giant of a man would be able to go and begin to develop a solution. Remember what I said, any country that he would go to, he would begin to know more than anyone else about that country and probably more than those who lived there. That's what made him effective. That's what made him have the ability to talk to heads of state and prime ministers and foreign ministers and those who were engaged in the day-to-day diplomacy of that particular country. It was his understanding of their culture, his understanding of their language, his understanding of how they thought, but most of all, his understanding of his own thoughts, and he knew he wanted peace, and he would do what was necessary.

There were so many that considered him friend, but there were really so many more that respected him for being the bulldozer, giant for peace. I call him America's peacemaker.

Further comments that I pay tribute to his diplomatic skills, strategic vision, and legendary determination as the architect of the 1995 Dayton Agreement, Ambassador Holbrooke played a key role in ending the war in Bosnia, the most terrible tragedy on European soil since World War II. At the end of this long and distinguished career, he traveled tirelessly to Afghanistan and Pakistan in pursuit of peace and stability in the region, and he would not stop. My words.

He knew that history is unpredictable, that we sometimes have to defend our security by facing conflict in distant places and that the transatlantic alliance remains indispensable. Secretary General of NATO.

□ 2210

And so Ambassador Holbrooke knew how to put it together, how to work with the various entities that represented the front lines of defense for this Nation and for Europe and other countries. He knew how to walk the walk and talk the talk.

I remember, as a new Member of Congress, coming in during the hostile and the horrible conflict of Bosnia, the ethnic cleansing that occurred in Kosova, and to realize that one man was the pinnacle, the pivotal point of working on the Dayton peace treaty, I tell you how important that was. As a new Member of Congress, I was able to go on the first delegation into Bosnia, then to meet with heads of states of Bosnia and former Yugoslavia and Croatia. We went to Sarajevo, and we landed where there was no actual peace in place at that time. They were looking to finalize the Dayton peace treaty. We were going in to determine whether or not this peace treaty was going to be welcomed by the people.

As we went into this town that was known for its beautiful Alps and skiing opportunities, I was literally shocked. It drew me back to pictures I saw in history books of World War II when Europe looked as if it was completely bombed out and desolate. Whole buildings had their tops knocked off. In libraries, doors were opened and books strewn on the ground. People walking aimlessly through the streets. And as we walked to what was left of a public building to meet the various leaders, there were women who came up to me in the street and asked had I seen their son. In this horrible war, they had lost their son. Is their son alive? in their language, speaking to me.

I know the price of that horrible war by way of seeing those people in pain. Ambassador Holbrooke understood it and worked without ceasing to secure a peace that is lasting today. No peace is a hundred percent. There are always some trials and tribulations, but he laid the framework that is in place today. He left it to us to be vigilant, to give oversight, if you will, and to ensure that people who have been in conflict, who desire to have peace can live in peace.

Further comments about Ambassador Holbrooke: We will always remember his efforts of promoting peace and stability in our region with a deep sense of appreciation and gratitude. Pakistani Prime Minister Gilani.

He will always be remembered for his preeminent role in ending the vicious war in Bosnia, where his force of personality and his negotiating skills combined to drive through the Dayton peace treaty agreement and put a halt to the fighting. British Prime Minister David Cameron.

As you can see, from all walks of life, they poured out their comments of respect for, again, America's peacemaker.

He could always be counted on for his imagination, dedication, and forcefulness. Former Secretary of State Madeline Albright.

Many understood his work, many who were in the business. More comments: Richard Holbrooke's legacy goes well beyond the critical role he played in bringing a decade of fragile peace in the Balkans, welcoming a reunified Germany in an expanding NATO. He also leaves a vast multigenerational intercontinental network of friends. I say that again: He also leaves a vast multigenerational intercontinental network of friends.

Thank you, Ambassador Holbrooke. It means that you have touched people around the world through generations, and that means that some are left with your spirit, your inspiration, and your training. These words came from the president of the Brookings Institution, Strobe Talbott, one who knows this system well.

And then of course you had the fun stories about him, and one could not speak about him without saying how many different things he was. As it was said in The Washington Post: a writer, a diplomat, an editor, a banker, publisher, impresario of numerous organizations. He was a deeply serious man, engaged always in a serious business of saving lives in Vietnam, in Afghanistan, in Bosnia, and I will say at the United Nations.

Yes, Ambassador Holbrooke, you were engaged in saving lives. And to

the end of your life, it was your pursuit to save lives. As I indicated, to save the lives of our soldiers in Afghanistan, to save the lives of women and children and families, to save the lives who simply want to go from marketplace to home, the farmers who want to take their goods from Kandahar to Kabul or want to do something else other than poppy crop, he was trying to save their lives in Afghanistan.

As I visited and as I reflect on my visits to Afghanistan and seeing what a unique terrain, how difficult, how challenging it is, I just want to say to my colleagues, Ambassador Holbrooke could have sat in an armchair, could have done armchair diplomacy. In the world of technology, he could have made attempts to communicate in ways other than the kind of ''roll up your sleeves, get on an airplane, and go into the harshest places'' to bring about peace. But he understood that peace was about a people-to-people relationship. It was something that was special, and he had the special touch.

Further words from a friend: Dick Holbrooke was a friend of mine. Just 2 days before he fell ill, I saw him and his devoted wife at a dinner where he proposed a toast with generosity, affection, self-deprecation, and the sort of comic timing that made you think he had missed his true profession. I liked him enormously. But for all that he did over nearly 50 years of service to his Nation and, indeed, to all human kind, I admired him much, much more.

As you begin to reflect on Ambassador Holbrooke's life, you have to admire him much, much more, and that was from the international editor of Time magazine, Michael Elliott.

I am sure that we could count so many emails and Twitter and blogging that is going on right now, first because of the shock of losing this giant of a man, this man that exuded desires for peace; but yet he leaves a life of instruction, that if we are to really develop the kind of world that brings peace to all in the backdrop of Afghanistan and Pakistan and the backdrop of the issues in the Mideast and the backdrop of North and South Korea, it has to be the kind of hand-to-hand diplomacy, insistent diplomacy, persistent, determined diplomacy, and out-of-the-box diplomacy.

One of the champions of a unique new concept for Pakistani Americans and helping Pakistan, and I was delighted to be able to engage with him on this and the Secretary of State to go to the first inaugural meeting in New York, and that is to develop a Pakistan-American development board that would generate resources and investment by Pakistani Americans and others in Pakistan.

That is a love for the people. He knew that he could start there because he knew that in his interactions, he was not willing to label the entire Pakistan with the frontier area and the unfortunate circumstances that cause Pakistan to be able to be in the way, if you will, of receiving terrorists running from Afghanistan. He knew the circumstances. He knew the harshness of it. But he also knew that there were people every day in Karachi and Lahor, Islamabad, and other places, in Peshawar that wanted to go to school, to open business, to be able to have a democratic government, a judicial system that worked.

And so he put the burden on the Government of Pakistan to say to them, I will work with you if you will work with me. He believed that there could be a solution, so he was excited about this Pakistan development board, similar to the Irish-American board, and he was the heart and soul behind it. And we had a great celebration in New York, and it exists, and it's one of his legacies.

And so I will say to Ambassador Holbrooke, to his spirit and to his legacy, You've left something behind that can help to create peace, that can network across the ocean between the goodwill of the people of America and Pakistani Americans and those in Pakistan who really want to focus in on building a great nation.

□ 2220

Maybe in the spirit of their founding father, Dr. Jinnah, who believed in a democratic process, living harmoniously with Bangladesh and India, Pakistan and Afghanistan and that region. And so I want us to support the concept of his legacy. Just let me read some headlines that are reflective of his history.

Strong American voice in diplomacy in crisis. I can affirm that. Vietnam, Afghanistan, and Pakistan, all resulted out of crisis, but he was a man of diplomacy.

Statesman who defined a generation. Clearly, 50 years of service, there was no doubt that Ambassador Holbrooke's life will be considered an era, a timeframe of American diplomacy, and an approach of get involved and getting to know the people who you had to engage with.

As we listened to reflections about Ambassador Holbrooke, it was noted that he would go to the sites of the chief or the elder statesman or elder warrior or the village or the mountain to be able to draw from that very person who could be part of making peace.

You know, as I reflect on this, I would say to you, that's the kind of diplomacy we need. We're going to have to unshackle ourselves.

It's interesting, as a member of the House Foreign Affairs Committee, Ambassador Holbrooke, in his astuteness, appeared before us a number of times and was always so erudite and brilliant and carefully thinking and analyzing as he responded to questions. But one thing that comes out of his life, and one thing I gleaned as I've had the privilege of representing the people of Houston in the 18th Congressional District, and seeing how the world works on their behalf and trying to be part of the solution and not the problem, people believe America can solve their problems. I know many Americans push back on that and actually say that we can't nation-build and we can't solve everyone's problems. And in the literal sense, they may be right. But if there's a perception that America has the answer, that our democratic values are so strong that we can reach in times of peace, or with peaceful tactics help guide them toward peace, there's nothing wrong with that. I believe Ambassador Richard Holbrooke truly believed that, that our values were so strong that we could, by sheer determination, commitment, and dedication, help those people who could not help themselves.

Time Magazine has Richard Holbrooke, an archetype of American diplomacy. And let me just share these few words. But there have been many career diplomats whose lives overlay the most important historical moments of the last half century. And they name a few. These are friends and rivals of Holbrooke's, who also played key roles and influenced events in ways we're still only beginning to learn.

What made Holbrooke most memorable—and of course the article names a number of individuals—and what lies behind the outpouring of mourning and reminiscence that is sweeping Washington in the wake of his death Monday evening was his personification of what many at home and abroad imagine U.S. diplomacy to be. And I imagine what they're saying is that it was the hands on, get in your face, but come with a smile and tell you we can do this together. That's Ambassador Richard Holbrooke.

Now, he didn't pull any punches. I remember sitting in a meeting with him with Pakistani Americans, and he answered hard questions and sometimes gave hard answers. But he left the room with friends, and they truly believed he was looking for peace in Afghanistan and Pakistan.

Holbrooke, this article goes on to say, was not just a prominent American diplomat who engaged in some of the most consequential international events of this time. In the same way that Shakespeare's characters still seem to live with us today as the archetype for human nobility, vanity, and ambition, so Holbrooke seemed to be the very human version of American diplomacy itself: piledriver powerful yet subtly persuasive, brash, volcanic and occasionally offensive but tactically brilliant and capable of the finest strategic judgment, cold-eyed and sometimes heartlessly realistic but possessing high principles and real deep compassion.

Friends, I just read that from Time. But as you have heard my tribute, it's interesting how these words come from all of us. And as I indicated to you, if Ambassador Holbrooke's legacy is anything, it is, in fact, to leave us with that kind of roadmap. That's the kind of exciting diplomacy we must be engaged in.

The world is not the same. It's not quiet. It's not two heads of state sitting down quietly and having tea and coming to the room and signing the treaty. It is somebody that's hard moving. It is somebody that can be heartless but realistic, high principles, deep compassion, get in the way.

Thank you, Ambassador Holbrooke, for leaving with us a roadmap and leaving us with your legacy and challenges. Because I don't know if the Ambassador, as he was working so diligently, where he felt we were going in Afghanistan, but I believe we must make a commitment in light of his spirit and the sacrifice for his family, friends, as he dedicated almost 100 percent of his time, unending, to finding a resolution and bringing people together.

I would simply say that to President Karzai, for the spirit in which you express your sympathy, I know that Ambassador Holbrooke would be so grateful for movement toward resolving this conflict, toward the ceasing of those who would move from Afghanistan to take refuge and cover in Pakistan. He would welcome the rising up of both governments to go against those acts of terror that were killing their people. He would welcome the resolve of those heads of state to continue fighting for peace and welcome the growth, development, and opportunity for the Pakistani people and the people of Afghanistan. He would welcome that. And I would simply say, we owe this giant of a man that kind of tribute.

Words obviously are nice and nice to be heard. But I would hope that we would be most effective in carrying forth his legacy by actually putting to the test how we can resolve the conflict in Afghanistan without a protracted extension, but also to put the burden, the extra burden of bringing peace, on the Government of Afghanistan and its people working with us, with that aggressive spirit, can-do spirit that we can solve this and, yes, working with the people of Pakistan.

Let me just relay a story in pictures and show you why this, again, hands-on diplomat was everywhere, meeting now with the President of Pakistan and developing a relationship, a relationship that was tough but good and sincere.

And I pay tribute to the Pakistani Government for the kind words that they have said. And I think the meaningful words, particularly the Ambassador to the United States, who has expressed, from Pakistan, his deepest sympathy. Here with President Karzai. Often they were together and had frank and to-the-point conversation. You can't engage in hand-to-hand diplomacy without being in place where those leaders are, making them feel comfortable that you're working on their behalf.

This is his early stages with President Clinton, who appointed him to the United Nations. You can see that he moved around, and he was eager to be known as a person who, if he got the call, would come.

Let me share some of these live pictures with him that have him and clearly speak to the action that Ambassador Holbrooke was.

□ 2230

This looks to me as the Pakistani flood when he was going into the camps, the most horrific flood over the last couple months that covered some two-thirds of Pakistan. People were moved from their land—disastrous, devastating conditions. Ambassador Holbrooke did not miss an opportunity to go and to check, in this instance, on children and to see what they were doing.

Here, you will find him not sitting in a traditional chair but sitting with the people. And I speculate that this is a meeting in Afghanistan, but here is a man and his child. And Ambassador Holbrooke is not standing. He is not sitting in a chair as we know it, but he is with the people and he is engaging. This is the style, the diplomatic style of Ambassador Holbrooke.

Again, this is not in the comfort of the State Department or any office building, but here he is with the military personnel on one of our battlefields, and my speculation is that again this is in Afghanistan.

Greeting again the people, letting them know that he cares. And, again, Ambassador Holbrooke on the move, meeting some of our allies, some of the coalition forces or the forces that work along with the Afghan forces. Here he is again in the field shaking hands and indicating his interests.

Here, with women, as he greets them. Another out in the field, hands on, ready to serve. Meeting with our military personnel. And, again, always interacting, and our Ambassador to Afghanistan constantly being engaged.

Involving himself again with the people and in the camps. Here, meeting with others who are in camp and being displaced, always working, always hands on.

We can learn a lot from Ambassador Holbrooke, and we can learn a lot from his never say never attitude and his willingness, if you will, to ensure that the solution is his top priority.

Let me just remind you again of how early Ambassador Holbrooke started his career. He had a tremendous career with the United States State Department, and he had actually begun with a response to President Kennedy's call to service for government work in the early 1960s. He always had it in him. Ambassador Holbrooke was undoubtedly a public servant ever since he graduated from Brown University in 1962, when he joined the Foreign Service and was sent to Vietnam. A tough assignment.

At the young age of 24, Richard Holbrooke, an expert on Vietnam issues, was appointed to a team of Vietnam experts, the Phoenix Program, under President Lyndon B. Johnson. Ambassador Holbrooke has always been a champion of peace and democracy, and this began at a young age with a profound dedication to the United States' international diplomacy efforts. Since beginning his career in foreign policy at such a young age, he obviously was at the forefront, at the 1968 peace talks, director of the Peace Corps in Morocco, or as the editor of the Foreign Policy Magazine.

Let me make that clear. He served as the director of the Peace Corps in that area in 1968. Ambassador Holbrooke was always and has always been an archetype of the United States' diplomacy, and his resume only serves to demonstrate how he has been consequential to diplomacy in some of our generation's most tumultuous events.

So, my friends, I thought it was important, shocked, dismayed, and saddened by the loss of Ambassador Richard Holbrooke, that we not fail to acknowledge his legacy in the hours after his passing; for there are still people dying in Afghanistan, civilians; there are still our soldiers on the front lines; there are still terrorists, Taliban, hiding in the mountains of Pakistan, allegations that Osama bin Laden is there as well.

So we know that the world that Ambassador Holbrooke was so engaged in goes on, but we cannot allow it to go on without a pause for a moment to be able to say thank you to this giant of a man, bulldozer for peace, America's peacemaker, but a credit to the world; and, as I said in my earlier remarks, someone who loved this country and loved the ability to draw disaster and to draw nonbelievers out into the open and to make it right; to help the people in a disaster, and to draw those nonbelievers into the circle of diplomacy to get them working on peace. That is what you were about, Ambassador Holbrooke. I am glad to have been able to call you acquaintance, yes, friend, but most of all an American hero. Such a strong legacy.

I know that this is a very sad time for so many, and so I rise on the floor this evening to be able again to offer my deepest sympathy. But what I would also say is that we have so much to be thankful for, so much to study and read, so much to emulate, so much to be able to go on, so much to use in the continuing effort for peace. We have got a roadmap left to us by Ambassador Richard Holbrooke. And remember an earlier comment that, if he asked you to do something, don't waste your time saying no, because more than likely, with a little pain, you will be there saying yes.

So why don't we just keep his legacy ongoing, realize that he has asked us to continue to make peace. And as long as we fight against it, it is going to be painful, but if we can gather our thoughts together, if we can continue to work together, to work with this administration, the President, the Secretary of State, and the Congress, and really realize that the important end game is peace in Afghanistan and an independent peaceful Pakistan and a

peaceful region, but with the idea that people of those countries must take on that burden and really desire peace—maybe that is the message that they have gotten in this terrible tragedy, to desire peace and to fight for it—if that is the case, then this hands-on, lively, and well-versed diplomat's legacy will be embedded in the next days, hours, minutes, next couple of months when we might see a glimmer of sunshine reflecting the hands-on evidence of a man that never tired of seeking people to find peace.

I hope that, as we mourn the loss of Ambassador Richard Holbrooke, the tribute that we give to him that will be ongoing will be an unceasing quest for peace, and I hope that we will find it in his name.

On behalf of the fallen men and women who have given their lives for peace in the United States military, on behalf of the people of the United States of America, we are indeed grateful for the service of Ambassador Holbrooke, and we tell his family thank you for sharing him with the American people.

I submit for inclusion in the RECORD additional materials.

With that, I humbly I yield back my time in the name of peace and respect for Ambassador Richard Holbrooke.

On Monday, I was extremely saddened to hear about the death of Ambassador Richard Holbrooke. He was a great leader and a dedicated representative of peace and democracy throughout the world. I extend my deepest condolences to Ambassador Holbrooke's family, his wife Kati Marton, his brother, Andrew, and his children, David, Anthony, Christopher and Elizabeth.

Ambassador Holbrooke has had a tremendous career with the United States State Department, which began with a response to President Kennedy's call to service for government work in the early 1960s. Ambassador Holbrooke was undoubtedly a public servant ever since his graduation from Brown University in 1962, when he joined the Foreign Service and was sent to Vietnam. At the young age of 24, Richard Holbrooke, an expert on Vietnam issues, was appointed to a team of Vietnam experts, the Phoenix Program, under President Lyndon B. Johnson. Ambassador Holbrooke has always been a champion of peace and democracy, and this began at a young age with a profound dedication to the United States' international diplomacy efforts.

Since beginning his career in foreign policy at such an young age, Ambassador Holbrooke was always at the forefront of international political issues, whether it was as a public servant at the 1968 Paris Peace Talks, Director of the Peace Corps in Morocco, or as the editor of Foreign Policy magazine. Ambassador Holbrooke will always be an archetype of United States diplomacy, and his resume only serves to demonstrate how he has been consequential to diplomacy in some of our generation's most tumultuous events.

Ambassador Holbrooke never relented in his efforts to expand his efforts to pursue U.S. interests of diplomacy and democracy internationally. In 1977, under President Carter, Richard Holbrooke was Assistant Secretary of State for East Asian and Pacific Affairs. As the youngest person to have been appointed to that position, Ambassador Holbrooke oversaw the normalization of relations with China in 1978, and the warming of the Cold War during his tenure. His diplomatic achievements do not culminate with the establishment of diplomatic relations with China—instead they continued, and arguably exceeded anyone's expectations.

When President Clinton took office in 1993, Mr. Holbrooke returned to work for the United States Government with the State Department. His first appointment was as the U.S. Ambassador to Germany, where he participated in the founding of the American Academy in Berlin as a cultural exchange center.

In 1994, he returned to Washington after being appointed by President Clinton to be the Assistant Secretary of State for European and Canadian Affairs, where he was the lead negotiator in the Balkan Wars. He was strategic in establishing a lasting peace at the Dayton talks that undoubtedly saved thousands of lives. The 1995 Dayton peace accords ended the war in Bosnia—but it required an agreement by the three warring factions, the Serbs, the Croats, and the Bosnian Muslims. Holbrooke's role in this is lasting; he ended the three-year war, and helped develop the framework for a dividing Bosnia into two entities, one of the Bosnian Serbs and another of the Croatians and Muslims. Ambassador Holbrooke is a hero of U.S. diplomacy, and undoubtedly had a tremendous importance in facilitating peace, in whatever form, in Bosnia.

After playing a key role in the Dayton Peace Talks, President Bill Clinton named Mr. Holbrooke the next representative of the United States to the United Nations. Ambassador Holbrooke demonstrated his drive to securing international peace, and his dedication to diplomatic efforts.

His work never ceased, and it continued with President Obama. Under the Obama administration, Ambassador Holbrooke was appointed Special Envoy to Pakistan and to Afghanistan—a region that contains the United States' greatest national security concerns. Just as his responsibility unfolded in the Balkans, his responsibility in Pakistan and Afghanistan posed a major challenge that would not have an easy solution. As we all know, the problems in Afghanistan and Pakistan are multidimensional and are problems that could not be solved overnight. Ambassador Holbrooke knew this, yet he commendably took on the role, and worked courageously and diplomatically in a densely complicated region.

Ambassador Holbrooke was the intermediary between Afghanistan, Pakistan and the United States. Ambassador Holbrooke was fighting, diplomatically, to stabilize the often unpredictable and always fluctuating region. The fight continues to be multifaceted, and Ambassador Holbrooke dealt with fragile economies, containing corruption within governments and elections, destabilizing the Taliban resurgency, a rampant narcotics trade, the presence of Al Qaeda, and maintaining peace and security, all while promoting United States diplomatic efforts. Representing the United States, Ambassador Holbrooke worked to promote economic development in Pakistan through the Kerry-Lugar-Berman Bill, and worked with the Afghani Government and administration to reduce U.S. combat troops and to forge a lasting peace in the region.

He is an example to us all, his life was foreign policy, his dedication was to the United States, and his motivation was diplomacy. Ambassador Holbrooke will always be regarded as a true American diplomat, one who strived for international peace throughout his entire career, of nearly fifty years, as a public servant.

[From the USA Today, Dec. 14, 2010]

'BULLDOZER,' 'GIANT' OF DIPLOMACY HOLBROOKE DIES—AMONG CREDITS: '95 BOSNIAN PACT

(By the Associated Press)

WASHINGTON—Richard Holbrooke, a brilliant and feisty U.S. diplomat who wrote part of the Pentagon Papers, was the architect of the 1995 Bosnia peace plan and served as President Obama's special envoy to Pakistan and Afghanistan, died Monday, the State Department said. He was 69.

Obama praised Holbrooke for making the country safer, calling him ''a true giant of American foreign policy.''

Holbrooke, whose forceful style earned him nicknames such as ''The Bulldozer'' and ''Raging Bull,'' was admitted to the hospital on Friday after becoming ill at the State Department. The former U.S. ambassador to the United Nations had surgery Saturday to repair a tear in his aorta.

Secretary of State Hillary Rodham Clinton called him one of the nation's ''fiercest champions and most dedicated public servants.''

Holbrooke served under every Democratic president from John F. Kennedy to Obama in a career that began with a foreign service posting in Vietnam in 1962, and included time as a member of the U.S. delegation to the Paris Peace Talks on Vietnam.

His sizable ego, tenacity and willingness to push hard for diplomatic results won him both admiration and animosity.

''If Richard calls you and asks you for something, just say yes,'' former secretary of State Henry Kissinger once said. ''If you say no, you'll eventually get to yes, but the journey will be very painful.''

He learned to become extremely informed about whatever country he was in. He would push for an exit strategy and look for ways to get those who live in a country to take responsibility for their own security.

Holbrooke said in 1999 that he has no qualms about ''negotiating with people who do immoral things.''

''If you can prevent the deaths of people still alive, you're not doing a disservice to those already killed by trying to do so,'' he said.

With his decades of service and long list of accomplishments, Holbrooke missed out on a tour as secretary of State, a job he was known to covet. As U.N. ambassador, he was a member of the Clinton Cabinet but his sometimes-brash and combative style contrasted with that of Secretary of State Madeleine Albright.

Born in New York City on April 24, 1941, Holbrooke had an interest in public service early on.

At the Johnson White House, he wrote one volume of the Pentagon Papers, an internal government study of U.S. involvement in Vietnam that was completed in 1967. The study, leaked in 1971 by a former Defense Department aide, had many damaging revelations, including a memo that stated the reason for fighting in Vietnam was based far more on preserving U.S. prestige than preventing communism.

One of his signature achievements was brokering the Dayton Peace Accords that ended the war in Bosnia. He detailed the experience in his 1998 memoir, To End a War.

□ 2240

GROWING THE ECONOMY AND JOBS

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

Mr. AKIN. Mr. Speaker, it is a pleasure to join you and my colleagues this evening on a subject that has been of great concern and attention to Americans now for a number of years, unfortunately, and that is the subject of the economy and jobs. This ongoing discussion and debate is taking new turns here the last few weeks, and I think it is helpful and perhaps informative to try to put that into perspective somewhat.

The thing that I think that perhaps we have to understand from the beginning is that the whole question of the economy and jobs is owned right now by the Democrats, because that party has been driving the train for the last couple of years.

The distinction between the parties has never been more sharp over the past 2 years because of the fact that you have had almost entirely party-line voting on major piece of legislation after major piece of legislation. When it came particularly to the stimulus, it was called the stimulus bill, some people called it the ''porkulous'' bill of a couple of years ago. That was a black and white kind of party-line vote, along with quite a number of other items on the agenda.

So what we have right now is essentially the Democrats have been running things for a couple of years, and we have got a recession going. And the question is, what are we going to do about the economy and about jobs?

There are two solutions to the problem. The ones that the Democrats have proposed over the last couple of years have been a very, very high level of Federal spending, and what they consider to be stimulus, which is more Federal spending, which they think will somehow fix the economy.

For a couple of years I have been here on the floor on Wednesday evenings saying, with all due respect, I don't think that solution will work. I am not saying that it won't work just because I think it won't, which I don't, but also because prominent Democrats have also said that it won't work.

I have quoted Henry Morgenthau, FDR's Secretary of the Treasury. They tried a whole lot of Federal spending. It was the time that ''Little Lord Keynes'' had come along and it was all the rage. If you get in trouble economically, spend a lot of money, and that will get the economy ''stimulated'' and you will pull right out of the recession. That is the theory.

It has not worked. It has never worked. And after about 8 years, Henry Morgenthau, a Democrat, came before the House Ways and Means Committee and said, it won't work. He said, we have tried spending, and unemployment is as bad as it ever was, and we have a huge deficit to boot. Well, it didn't work then. It still hasn't worked for the last couple of years.

I think the point as we move forward into this discussion about what are we going to do with the expiring tax cuts left over from the Bush administration, I think it is important to understand where we are in context, and that is we have come to a point where the Democrats have been making the calls and they have been driving this equation and the economy and jobs has not turned around.

We were told at the time of the stimulus bill that if we did not pass the bill, that we could have as much as 8 percent unemployment. Supposedly, if we did pass the bill, unemployment would be lower.

We did pass the bill. Unemployment jumped to about 10 percent. And those numbers are pretty conservative, because people who have been looking for a job for over a certain number of months are no longer counted as unemployed. So in fact the unemployment number is probably higher, by the way many people would calculate it. So, that is what has gone on.

Now, this is not complicated economics, if we are really serious about creating jobs. But there really are two different party solutions: One is more bureaucracy and food stamps; the other is more jobs and paychecks. That is America's choice, and America chose in the November election to move toward the more jobs and paychecks and less bureaucrats and food stamps. But this is some of the spending we are talking about in the last couple of years. You just can't do this and have it not affect jobs.

We had the Wall Street bailout, which some of it was supported by Bush in the past, but also by the Obama administration. Then you have got this supposed stimulus bill, $787 billion, which was a total disaster, and other miscellaneous items here. Then, of course, health care reform, which is the biggest of all, ObamaCare, at about $1 trillion. So you have a tremendous record of Federal spending.

Let's step back a little bit and go back to the things that we know work. You can go to anybody who you know that started a small business, people that run businesses; you can go to Main Street anywhere in America and you can ask the people who run businesses, what does it take to make jobs? It is not very complicated. But you will never be able to, as the Democrats try to do, separate the employer from the employee. If you want jobs, you can't destroy the employer. If you destroy companies, you will have less jobs. It is that simple.

So, let's say that you ask people on Main Street, well, what are the things that you have to worry about in terms of destroying jobs? The thing they are going to tell you probably first out of their mouth is going to be excessive taxes. When you have too much taxes on business, what happens is they use their money to pay the taxes and they don't use their money to invest in new equipment, new processes and new R&D and various ways that when they invest they create more jobs.

So the first thing that is an enemy to job creation is, first of all, excessive taxation. So what we have coming along now, and everybody has known it for years, is these tax cuts are coming along, they are going to expire and it is going to be a massive tax increase.

In fact, we have what in a way is a tax increase train wreck. You could think of it as the train is steaming along and everybody knows the bridge is out. The bridge is out on January 1st, 2011, the tax cuts expire, and what happens then, America receives the largest tax increase in the history of the Nation. Now, that is very bad medicine for an already-sick economy. So that is the situation we are facing.

So there is no surprise about this. Everybody has known these tax cuts are going to expire and there will be this whopping big tax increase, and somebody has to do something about it. So now we are waiting to the last couple of weeks of December to try to deal with this problem. That is not particularly responsible, I suppose.

So what is it when you go to Main Street and you ask businesses, what is it that kills jobs? Well, the first thing is major heavy taxes on businesses and on entrepreneurs and on the people that run businesses. That is the first killer of jobs. Now, we are doing that in spades. We are doing a lot of that. And if these massive tax increases come along, it simply makes it a whole lot worse.

What is the next thing that businesses would talk about that would kill jobs? Well, it is something else that eats into their profits, and that is a whole lot of red tape and government paperwork. So how are we doing in that department?

Well, one of the big bills that the Obama administration, the Democrats, wanted to push was cap-and-tax. That was the tax and tremendous amount of new red tape and bureaucracy to prevent global warming.

Now, if you believe in the theory of global warming, one of the things it says is it is really bad to create CO_2. An honest attempt to stop global warming would say, well, we probably need to stop burning as much carbon in any form and move to some other source of energy generation, which suggests nuclear. If you were to take the number of nuclear power plants in America and double them, you would in effect get rid of the same amount, if you did that, of all the CO_2 produced by every passenger car in America.

The bill didn't do that. The bill created instead more taxes, which, again, kill jobs; and, second of all, a tremendous amount of red tape.

Now, that bill didn't pass because of the fact that even some of the liberals

thought this didn't really make a whole lot of sense. Instead, the Obama administration has said, well, what we are going to do is we are just going to implement it through rules and regulations.

What does ''rules and regulations'' mean? Well, in street language, that means a whole lot of red tape. What does that mean to businesses? It means less jobs. It means it either prevents jobs from being created or kills jobs that are already there, because the red tape again costs them overhead to have to deal with it, and the increasing volume of red tape makes Americans less competitive, which then, of course, shifts jobs overseas.

So the second thing, after a whole lot of taxes that makes it hard on jobs, is too much red tape. Unfortunately, we are doing that as well.

So then you have got a whole series of other things too that are all contributing to this excessive loss of jobs, and that is going to be uncertainty. Now, one of the things the way businesses operate is if you don't know what the future is going to be, you are going to be very careful about taking any risks or making any investment in new equipment or new processes or new technology which is going to create jobs. So uncertainty is the third big enemy of job creation. How are we doing in uncertainty?

□ 2250

Well, what is being talked about as a way of stopping this massive tax increase is simply kicking the can down the road somewhere between a year to two years. And so does that help in terms of uncertainty? Well, people argue is the glass half full or is it half empty? It seems to avert the train wreck, but it is like you've got a train about to go off of a bridge that's out and you build a couple more spans of track further out but the track still ends. And so I suppose you avert a problem but, on the other hand, from an uncertainty point of view, it still creates uncertainty.

If you're wanting to know how you're going to do estate planning in terms of the death tax, to know that the thing is going to be extended with additional coverage up to $5 million and cover a 35 percent tax rate, but you know that's only going to happen 2 years, that doesn't help you a whole lot in estate planning. It may help for a year or two, but it still leaves a huge question mark.

But not only is the death tax a question mark, but capital gains and dividends. Another thing that takes time to plan for is a question mark. Is it better than having the train go off the cliff? Perhaps. But it still does not solve one of the things that makes it hard to create jobs, and that is if you've got a whole lot of uncertainty. So this, in a sense, may increase, but it certainly doesn't help the high level of uncertainty that's coming along.

In fact, it's been argued in the Wall Street Journal that the whole tax policy now, because there's so many different parts of it that are part of this deal that's been struck, that you really do create almost more uncertainty because there's no definitive final solution. What are we going to do? What is Federal policy on the death tax? Are we going to tax people after they die? One more chance to get them after we have taxed them all their life, the money that they have saved that they didn't get taxed on, we're going to get it again a second time or a third time. So the uncertainty is a big factor in jobs.

The next one is liquidity, which we, again, have not done a good job with. Liquidity is the business owner may want to go to a bank and get a loan. Typically, those loans are negotiated on about a 5-year basis. They pay a pretty good interest rate because the banker is taking some risk. So the banker, if things go well, does well with it. On the other hand, if the small business struggles or fails, then the banker gets caught, too. So there's the question of liquidity, do the small businesses have the liquidity they need to move forward.

With the new banking regulations you have Federal bureaucrats all over the bank saying, I don't think that's a good loan you've made to Joe Blow over there. And so the Federal Government is second-guessing what the banks do and requiring the banks to have much higher interest rates but also higher percent of collateral for anybody who borrows money. That makes liquidity more difficult. That makes job creation more difficult.

And the last thing of the five things that you will hear when you go to Main Street and ask a business owner what are the things that make it hard to create jobs, they're going to say Federal spending. Federal spending just absorbs money out of the economy. It makes it so the businesses are starving. If you starve businesses, then you're going to starve jobs. You cannot disconnect the business from the jobs that it creates because if you're going to get a job, you're going to work for an employer. It sounds not very complicated. And yet somehow here in Congress we seem to forget—the Democrats seem to make the disconnect on those things.

So these are all policies that have been set up by the U.S. Congress. It is not a surprise that there's unemployment going on because we're violating all five of these basic principles of job creation. So then the debate comes, Well, what are we going to do about these taxes that are expiring? We have had a number of years to think about it, but nobody wanted to do anything about it. But now, after the election, we're starting to say, Hey, this really may be a problem. And the President, because the buck stops with him, to a large degree, has been the first to acknowledge within the Democrat groups between REID, PELOSI and the President, the President is saying, Hey, we better do something about this. If nothing else, whether he is seeing the light, at least he felt the heat in the November elections.

So the question is then you have got this pattern of all five of these things being wrong—the taxes, the red tape, the uncertainty, liquidity problems of the banks, and the Federal spending. All of these things are done the wrong way. And so the Republicans, because things have been so polarized, we voted ''no'' on all of this stuff, it is quite clear that there is this sharp contrast between what we're going to do now.

Now the contrast becomes more blurred with the proposal of trying to do something at the last minute with the Bush tax cuts. So we're going to do a look at that in a minute and what is the nature of those tax cuts and what was the effect when the tax cuts went into effect.

So, moving along, we continue to see the deficit under the Democrat budgets. Now there was a lot of talk that the Republicans under Bush overspent. And it's true that the Republicans did overspend. You can take a look at some of these. 2002, you had a $400 billion debt here. It went down, until we get to 2008, this was under Speaker PELOSI's Congress, but you had $459 billion when Bush was President of deficit, and that a lot of people objected to and said, Hey, that's terrible. We're going to change these elections around. We're going to elect a different President, et cetera, et cetera.

So these were the Bush years; and now look, all of a sudden here you get to 2009, with Obama, and you have got these trillion-dollar deficits, which are three times the very worst that Bush ever had. So we're talking about a level of spending that's unprecedented. So when we use this term on this chart ''stupendous spending,'' it really is stupendous spending. It is unlike anything we have seen before, and it makes George Bush look like some sort of a Scotch Presbyterian or something because he is not spending at all compared to this trillion-dollar operation that's going on here. Of course, that results in unemployment.

Now I have been critical of the Democrat policies because historically and economically they're going to create unemployment. They have done that. And so the question is, Do you want more bureaucrats and food stamps, or do you want jobs and paychecks? That's what America has to answer. Now what is the solution to this? One of the proposals is to not let these tax cuts expire. Then the question becomes, Well, then doesn't that add to the deficit? Well, part of it does and part of it doesn't. That's kind of the interesting thing that goes on here. If you continue to pay people for not working, which is extending unemployment, and certainly because there is a high level of unemployment, that's appealing. But the trouble is the unemployment is created by those terrible policies of too much taxes, too much

Federal spending, the uncertainty, and liquidity, and those other component parts.

So here's the solution to some degree, and that is when you cut taxes, in fact what happens is you don't build a deficit. You reduce the deficit. Well, how can that be? If you cut taxes, it means the government gets less money, doesn't it? If the government gets less money and keeps spending at the same rate, doesn't that mean you have more and more deficits? The answer is, No.

Because of a very interesting effect that was made public I suppose by an economist by the name of Laffer, quite a cheerful fellow. He was here in the Capitol no more than a few weeks ago. He was an economist under the days of Ronald Reagan. And what he has shown is this red line is the rate of the total Federal tax. The blue lines are the total Federal tax receipts in dollars. And this is the top marginal income tax here, going from all the way up at 90 percent, dropping way down. And it's the top marginal rate that is the rate on all of these supposedly rich people who, by the way, the rich people are the ones, a lot of them, own those businesses that create the jobs. So if you tax them into the dirt, what is going to happen to the jobs? You won't have the jobs. You broke the code. If you want jobs, you're going to have to allow people to keep their wealth and invest in business.

So what Laffer is saying here is we dropped historically. As we drop this top tax rate, take a look at what happens to the total tax receipts of the Federal Government. The tax receipts are going up. Doesn't that seem counterintuitive? Doesn't that seem as though you're making water run uphill? The answer is, no, it is not. And here's, I think, a simple way to try and understand it and it helps cast light on the votes that are coming up here later this week and perhaps even the week of Christmas. There has been certainly the threat that we'll come in on Christmas week and maybe New Year's week as well. It's interesting that we couldn't get our business done so we're going to try and jam it all in at the last minute. And it's also interesting to see what the real priorities are.

So what does this say? Well, for instance, let's say that you are made king for a day or king for a year and your job is to try to raise as much revenue for your kingdom as you can so you can run your government.

□ 2300

You're allowed to do one thing. You can tax a loaf of bread.

Now you start thinking and contemplating, and you say to yourself, Well, if I were to charge a one-penny tax on every loaf of bread—and there are millions of loaves that are sold—why, we'd raise some money.

Then you'd say, hey, instead of a penny, what happens if I charge $10 for a loaf of bread? Why then, certainly, that would make a difference. If you charged $10, you'd get much more.

Then you think, Well, wait a minute. Nobody would buy any bread if you put a $10 tax on it. So you start thinking to yourself, There is probably some optimum between a penny and $10 where I would get the most revenue on the bread. If I were to raise the tax, I'd actually lose revenue because more and more people wouldn't buy any bread, and so I'd actually have my tax revenue go down even though I'd raised the taxes. On the other hand, if I were to lower the tax too much, then I wouldn't get as much revenue as I could.

So there is an optimum point, and that's what Laffer is really pointing out here, that the taxes are so high that, when you actually drop the tax, the Federal Government makes more money. You can see it. This is one graphical display. This is just talking about the top marginal income tax rate. We're going to see it even on the larger scale as we take a look specifically at the Bush tax cuts in 2001, particularly the Bush tax cut of May 2003.

So how did things unfold back then in 2003? I have some charts I think you will find very interesting.

These charts are all laid out in essentially the same way. I have three charts in a row. The line that appears right here on all three charts is for May 2003. These are the years across here. This is 2001 March. There were a bunch of tax cuts here. You can see that the job creation isn't looking too solid in here. Some of the tax cuts we did were politically ''feel good'' kinds of things—giving people some more money to spend and a few things like that—but there was another tax cut which was part of this whole series in May of 2003.

What we're going to focus on is this tax cut. This was capital gains, dividends, and the death tax. Now, those are not popular tax cuts because it seems like they're tax cuts for people who have more money, but again, the people who have more money are also the ones who are driving a lot of those businesses that have the jobs.

So let's take a look at what happens.

This is May 2003. We introduced the tax cut to cut the capital gains, to cut the death tax and the interest, the dividend rate. So let's take a look. This is pretax relief. This is job creation. Every line that goes down indicates that we have lost jobs out of the economy. That's what we've been doing now for a number years. We've been losing jobs out of the economy. This isn't good. We don't want to lose jobs.

Why do we lose jobs? Because we are violating the basic principles of economics.

Now, we were losing jobs during these early years. We did some tax cuts, but the tax cuts didn't seem to turn this around, which suggests that not all tax cuts are necessarily going to create jobs.

Here we go May 2003. Take a look at what happens now to job creation. All the lines going up are creating jobs. You can see there is a pretty good difference between here, which is before the tax cut, and after the tax cut. So we see the immediate reflection in terms of jobs.

Now, are jobs the only things created by this tax cut? That's kind of interesting.

This is what we've been saying all the way along for a couple of years now. My Republican colleagues and I have respectfully stood on the floor and have said we love the Democrats, but they're doing everything wrong to the economy. They're going to create unemployment. They're going to create distress in the economy. They're going to make it hard for businesses, and they're going to ship jobs overseas. We've been saying that. We're saying this is not going to work. You're not going to be able to reduce the deficit. You're going to increase the deficit, and you're going to break the back of America economically if you keep on doing this. We've been saying this over and over again from this floor. Now the numbers, after the last few years, indicate that that's exactly what's happening.

The fact of the matter is we don't have to not learn from history. We can learn something from history here, which is that this tax cut particularly seems to have done an awful lot to change the job picture.

Now, of course, you could always make the case. You could say, Well, maybe it wasn't the tax cut that produced this effect. Maybe something else was going on here that would explain this.

The only other thing that is happening in the economy here is that Greenspan has got the interest rate close to zero, and that of course was driving the big real estate bubble, we now know. That's what happens when the Fed drops their interest rate very low. You have all of this easy money looking for someplace to invest. In this case, they landed on real estate, and created a big problem. So you could say that the interest rate being low could contribute to this, but it's interesting that you get this very stark and immediate contrast when this tax cut goes into place.

Let's continue this because it's kind of a little bit of history that is going to inform us as to where we need to be in the decisions going into the new year.

Here is the same tax cut here. This is again the beginning of 2003, but this is the gross domestic product. Of course, that's a measure of the overall productivity or of the efficiency of the U.S. economy. This is pretax relief. The average GDP was 1.1 percent. You can see it was not only 1.1 percent, which wasn't great for GDP, but it also was kind of spotty. You had this one where it was actually going down in gross domestic product, and these numbers were not very high.

Then you go to the tax cut—capital gains, dividends, and the death tax.

Now this is only carrying the thing over to 2006. These are older charts, but they're interesting charts. You can see the effect afterwards—at least it appears to be an effect—of going from 1.1 to 3.5, depending on which year, but the difference is that it is a marked difference.

The scary question then to suggest is: If there is a causal relationship between this tax cut which allowed businesspeople to make more investment in American businesses, what happens if you turn the economics upside down and do it in reverse? What happens if that tax cut goes away? What does that mean relative to job creation if, all of a sudden, this thing, this event which created more jobs—what happens if you do it upside down? Isn't it logical that if these tax cuts expire that it will have the reverse effect? That it will do the very thing opposite of what it did when it went the other way?

That's a very scary thought because, if all of a sudden we have now 9 or 10 percent unemployment and we do something to make that worse, that's not a very good idea. That's why even moderates and even the President are starting to say, I'm not so sure we want to burden America with the biggest tax increase in the history of the country right at the time when it's not at all clear that we're even out of the last recession.

There are some people who are optimistic. They think, Oh, we pulled out of the other recession that we were in.

I'm not so sure.

I measure that based on those same 5 points we've been talking about, which is the problem with excessive taxes, the problem with excessive redtape, the uncertainty created by all kinds of government actions in the marketplace, the liquidity problem in the banks, and of course excessive Federal spending.

So here is GDP after the tax relief. Do you see that the GDP has gone up? The job creation looks good.

Here is the last chart—also very interesting. This is the one that we talked about just a few minutes ago, which appears to almost invalidate the law of gravity. You cut taxes here. This red line here is Federal revenues, and Federal revenues are going down. Then we cut taxes, and you think, Oh, they're going to go down even more. Terrible. There's going to be a huge deficit because we've cut taxes, and now there's going to be a deficit. So the Congressional Budget Office adds it all up, and says, Well, golly. If we're making $100 with this tax now and if we cut it in half, why, we'll only make $50.

It seems like a logical assumption, but it's not. Take a look at what happened.

When you cut taxes, businessmen invested the money. Businesses started getting going. As businesses got going, they raised more taxes. So what happened is the Federal revenues actually went up as a result of the tax cut.

That's one of the reasons there is this fundamental difference between Democrats and Republicans. Democrats always want to say, if you're going to do a tax cut, you have to pay for it by cutting something. It sounds like good economics. It's not good economics. The fact of the matter is, if you do tax cuts, if they're the right kind of tax cuts, you actually get more Federal revenues, and it does not hurt the deficit. It helps to reduce the deficit.

□ 2310

That was the effect in 2004, -5, -6 and -7. You can see 4 straight years of increases in Federal revenues as a result of these taxes.

Now, here's the scary question again. I'm going to say it over and over: What happens if you turn this math upside down? Instead of reducing capital gains and death tax and dividends, what happens instead of reducing them if you increase them in the biggest tax increase in the history of the country? Will it not do the exact opposite? And when you increase those taxes, is it not possible that the Federal revenues will drop even more rapidly and the deficit will become even more unmanageable? I think there's good evidence, and many solid economists would say that we do not want to allow these things to expire.

Now, let's just say that the Congress votes in the next couple of days, as I think, being a Member of Congress, I suspect we might well do this. We'll vote and we will pass this supposed tax cut deal. Does that solve the problem of excessive taxes? Well, it gets rid of a problem of the biggest tax increase in the history of the country coming, so it's averting damage. But if you take a look at where we are right now, we are still overtaxing and we've got the unemployment problem. So it's good to avert the evil, but does it really fix where we are? No, it doesn't.

And does that then change the red tape picture? No, the red tape picture is still bad. Does it change the liquidity picture of the banks? No, it doesn't change that. Does it change the high level of Federal spending? No. It makes it worse, because we're spending some money which is not tax cut money, but we are spending money on extending unemployment, which is a legitimate form of Federal spending which does affect the deficit. So it doesn't help the deficit in that way.

And certainly the question of uncertainty is one of those things. Is the glass half full or half empty? Right now, we have certainty there's going to be a train wreck, there's going to be an economic disaster on January 1 because we have not dealt with the massive, massive tax increases coming. There is some certainty in that. It also means there is a big problem coming.

On the other hand, is kicking those tax cuts forward by 1 year or 2 years, does that create more certainty? Well, the answer is no. It's maybe a little more certain, but it still doesn't give you a basis for planning, for estate planning or for capital gains dividends, those kinds of things for the businessman, no. Their loan cycle is typically a 5-year cycle to the banks, and so having a capital gains dividends policy that's extended out a couple of years doesn't get within that 5-year window. So is there more or less certainty? Well, you can argue back and forth.

So the Republicans are caught sort of in a weird situation. We think, well, certainly you shouldn't nail America with the biggest tax increase in the history of the country, that doesn't make sense, but even if you avert that disaster, does that mean these other elements are taken care of? And the answer is clearly no.

Do you think that the things that are burdening our economy, that's holding down job creation, that makes it very difficult on families, do you think those conditions have been mitigated? No. No, we're still taxing too much. We're still have too much red tape, too much uncertainty, too much Federal spending, and the liquidity problem with the banks is still not taken care of.

So here we are. We've got before us a bill. Republicans are kind of scratching their heads on it because it has some bad parts and some good parts, and we understand what we have to do. This bill is not really going to solve the problem of unemployment. It's not going to solve the problem of overtaxation. It just prevents an evil from happening.

But it is interesting to note what level of risk there is ahead for America if this issue of these taxes is not dealt with, and we're not in a position to be able to do that. That's something that has to happen with the Senate and it has to happen with the President, and they're going to have to get serious about reducing spending and also reducing taxes. And over the next number of months, I have not the slightest doubt that a Republican-run House is going to choose, they're going to choose jobs and paychecks over bureaucracy and unemployment. Not bureaucracy and food stamps. That's not our choice.

Our choice on the American Dream is to allow people to take risks, to invest their own money, and to get jobs and to receive paychecks. We think that's the best form of security. Economically, it is a good paycheck. It's the best thing for a healthy Nation.

And so we will be making proposals to cut taxes, to cut red tape, to create certainty, and to reduce Federal spending, all of those things. We'll be making those proposals, but we won't be able to pass them. We can pass them out of the House, but it's got to get through the Senate. And if it gets through to the Senate, it has to be approved by the President. So everybody will be able to see what's going on.

Now, in the past when I was here, 2001, 2002, 2003, we passed a number of things through the House that were

very good policy that no one paid any attention to. They were killed by Democrats in the Senate because we never had 60 votes in the Senate. A couple of those are kind of interesting.

One of them is an energy bill, because it said we've got to pay attention to the fact that we are dependent on foreign countries, particularly the Middle Eastern foreign countries, for our oil supply. We are too dependent on foreign oil, and so we put a number of energy bills together, killed in the Senate by Democrats.

We also recognized that there was a problem with health care, that there were some things that were out of balance. We said there's some things that have to be done. We've got to do some tort reform. We've got to do some associated health plans. We've got to make some changes in health care. All of those proposals were killed in the Senate by Democrats. 20/20 hindsight, just like energy, fixing health care was an important priority.

And then we also passed a bill particularly to try to rein in the excessive practices of Freddie and Fannie. President Bush on September 11, 2003, in The New York Times, not exactly a conservative oracle, said he wanted authority from the House and from the Senate to allow him to regulate Freddie and Fannie because their financial practices were out of control and were really going to become a liability. We passed legislation to do that. It went to the Senate. It was killed by the Democrats in the Senate.

In each of those cases, a Republican House passed legislation that historically, you look back and say, policywise, you're right, nobody noticed it. The media didn't cover it but it occurred, and you can check it. It's part of the RECORD. And the same thing could happen in this next year, but I don't think it will. I don't think it will, because I believe that Americans have been paying more attention to what's going on in government.

I believe that Americans are fed up. I believe that Americans are at the point where they're saying that government is no longer the servant of the people, that government is becoming a master. It's an out-of-control government, and it's time to start putting the genie back in the bottle, and they're going to do that one way or the other. The question is whether those of us that have been elected to serve as servants are going to step up to our job, cut the red tape, cut the bureaucracy, cut the Federal spending, cut the taxes, and make the Federal Government a servant of the people.

In order to do that we can't just simply say, well, we're going to take 10 percent off of this department, 10 percent off of that department, 10 percent off another department. We can't say we're going to cut waste, fraud, and abuse, because there isn't any budget item that says waste, fraud, and abuse. It's a more complicated process than that.

What we have to do is go back to the drawing board, which is the U.S. Constitution, and we have to start asking ourselves what are the essential functions that the Federal Government must do and those we must fund. And particularly, that includes providing for the national defense and the other things that are not essential that the Federal Government do. We must start to say maybe we should just plain get out of that business and turn that back over to the States and turn it back over to local cities and to the citizens of America and let them deal with those things, because Americans are fed up. They're fed up with unemployment. They're saying no more bureaucrats, no more food stamps. What we want is jobs and paychecks. And I think that's where the public is heading.

So the question then becomes, well, what's everybody going to do on this big tax bill? The answer is we could avert some evil, but we're not going to solve the real problems that we have to do by simply postponing or kicking these things down the line a little bit and creating more uncertainty and postponing them.

□ 2320

On the other hand, we cannot allow the major tax increase to go forward, so you're going to see a checkered pattern in the voting, particularly the Republicans. There will be some for and some against them, arguing whether the glass is half full or half empty.

But there won't be any argument about what we need to do. There is no argument about the fact that we do not want 10 percent unemployment. There is no argument that we want the Federal Government to be a fearful master. We are sick of that, and it's time for things to change. And that is, to some degree, what has led me personally and quite a number of other Republicans to understanding that as we approach this next year, that there is a new area that we have to go to. And that is, we have to take a good look at this wonderful Chamber; we have to take a good look at the U.S. House and say, Have we really run this place the way it should be run? Or have we allowed a series of fiefdoms over the years to build and develop where we have created a structure that is so unmanageable, so crusty, so interconnected, and from a systems point of view, so unmanageable that even if you put good people in it, you get bad results?

I believe that the results of the excessive growth of the Federal Government indicates that there is a need for a redesign of the House entirely. We need to take a good look at the budget process. There is a lot of confusion over earmarks and what should or shouldn't be the job of the Congress to appropriate money constitutionally. We need to take a good look at—you can see that we have started that process by the new schedule that's being published already. It says, we are going to tell people ahead of time, we're going to be in, serving in Congress, on these particular days. There won't be votes before noon time, so committees can actually do their work without telling witnesses that have flown across the country to testify that they have to wait 45 minutes while we name another post office after somebody. And we are going to know for sure that on the day we get out that there won't be votes after 3 o'clock so people can schedule their flights home and can be doing work back in their districts.

So what we're trying to do is to redesign the entire system so we can deal with these kinds of problems. But we're not going to do it with a quick shot that says, Hey, let's just postpone this problem for a year or postpone another problem for another year and a half and have the thing still hanging out there. There has to be specific tax policy. It has to be a tax policy that is friendly to American jobs and allows us to be competitive.

It gives me no satisfaction to see us create a set of rules which are guaranteed to have the international corporations in America say, Hey, you're making the rules so that we can't put jobs in this country. We'll still make a profit. We'll still create jobs. The jobs will be in a foreign country. What good is that to us? It maybe makes some business people or investors a little bit more money, but it isn't where we should be going with Federal policy. Our policy should be, America can be competitive, but let's not create a system where we basically are destroying ourselves. And that's what's going on with excessive taxation and with excessive red tape and all. So that's where we are.

What we're seeing again is this rush in the last week or two of this year to do things that show a priority that is a bit weird. Today I was on the floor a little earlier, and I commented on the fact that a long, long time ago, there was a chance to see a total solar eclipse. Now if you've never had a chance to see something like that, they don't happen very often. But I was out on the edge of Massachusetts, on Cape Cod, and it was an area of the U.S. where there would be a total shadow; that is, the Moon totally comes in the way of the Sun. And right in the middle of the day, the Sun just darkens up slowly. And light doesn't totally disappear, but it is an eerie and strange feeling. That doesn't happen very often that you can observe an eclipse.

What happened today was also a kind of eclipse, what's happening at the end of this year. This is the first time in I believe it's 48 years that the House has not had a defense budget. That is weird. That's an eclipse of reason that we have no defense budget. And so today when the House has no defense budget, instead what do we vote on? Well, we vote on getting rid of the Don't Ask, Don't Tell, so we're going to deal with gay policies in the military.

We don't even have a military budget, and we're pushing some social agenda here in the last couple of days for fear that the new people that come in won't really want to do this thing. So at the last minute, we're going to hurry up and do something which you've got three generals—a general of the Army of America, a general of the Air Force of America, a general of the Marine Corps all are saying it's a bad policy. We have got two wars going on. And what are we doing? Are we doing our business? Are we passing a defense budget?

No. No, instead, we're tampering around with social policy to try to make some constituency happy. Why do we want to burden the military with social policy anyway? Why not allow them just to defend us and keep the discussion on social policy as an American and a local kind of question. Let the States deal with it. No, we're not going to pass a military budget. We're going to do that. It is a question of priorities here.

And this effect that we're seeing says there is big trouble next year if we don't do something about what happens. Because if these numbers go in reverse, what you're going to see instead of Federal revenues going up, they're going to go down. What you are going to see in reverse is, if you do the reverse of this change here on GDP, you'll see GDP going from—which is too strong now, it's going to get worse. We can't afford that. We don't want that to happen. And particularly—and this is cruel and harsh to Americans—you're going to see jobs vaporizing and disappearing.

That's not where we need to be going with this Congress. Even in the last couple of days, in the last week or two, depending on if they decide to call us in for Christmas and New Year's, I'm not sure about that. We're not calling the shots on that. But we are not creating the policies which support a good stable economy.

And the policies are available. It's not just Republican policies. I might mention that the person that understood this effect was JFK. He had a recession; and what he did was, he treated it with a good dose of solid, sound tax policy by cutting taxes. And JFK saw this same kind of turnaround while he was a Democrat President. Also Ronald Reagan did the same thing. He inherited a lousy economy, just as Bush II had done, and he had cut taxes aggressively. People made fun of it. They called it Reaganomics and trickle-down economics and things like that. They made fun of him for a year or two until the economy snapped around, jobs were created, the economy steams off strongly for many years, and these same policies were vindicated. They work. And it worked for George Bush when he did it here.

The question is, Are we going to learn from history? Or are we going to take a recession and turn it into a Great Depression? I'll tell you, there are some areas where we have serious problems in this country that are not all clear, and it gets into some very esoteric areas in the area of real estate, both commercial and residential real estate.

And we have not fixed Freddie and Fannie as a result of this last big housing bubble which has affected people's savings terribly in '08. Many people lost a great deal of savings in '08, and it was caused by a series of things in the housing industry that were not done properly. It's courtesy of the U.S. Congress. It was the fault of the U.S. Congress and the Senate and our policies, relative to loan policies. And we haven't fixed any of those things.

So not only have we not fixed tax increases, not only have we not fixed red tape, not only have we not fixed the problem of liquidity, not only have we maintained an air of uncertainty which is problematic, not only are we excessively spending at the Federal level, we've got some other problems in real estate that are still out there.

So all of these things lead us to understand that there has to be a fundamental change by the way things are done here in Washington, D.C., and it says that we cannot afford the level of Federal spending and the excessive taxation that have burdened our economy the way it has.

It's a treat to be able to join everybody this evening, and it's a treat to be able to talk about these things because this is current and relevant. It's quite possible tomorrow that the vote will come up on the tax thing. And I think what you'll see, as I've said, is kind of a mixed pattern from Republicans.

□ 2330

There's bad stuff in the bill because it's going to increase the deficit. Good stuff in the sense we're preventing a terrible tax increase, but yet, overall, it's not fixing the problem. And the solution to the problem is going to come and it's going to be something that we'll do one piece at a time. We're going to send it over to the Senate, and we're going to give them an opportunity.

One of the things we'll do will be to take the death taxes and say, Let's make a decision. What are we going to do on this? This thing has been running along since May of 2003. Everybody knows you need to make a decision on it. What are we going to do? Are we going to make it permanent in some way? We're going to let people plan and know what the Federal policy is going to be? Are we going to—after we nail people for taxes all their life, are we going to nail them again when they die? When a son inherits his farm from his dad and the farm is worth a number of million dollars and the protection is only for a $1 million cap, does the son have to sell the farm, in fact, liquidate the farm, in order to pay the taxes we're going to extract from the person who died?

That's the question. And it's time for us to make a decision. Is it going to be more bureaucrats and food stamps or is it going to be jobs and paychecks? That's the decision before us.

We will send those pieces of legislation to the Senate. You need to look for them. I guarantee you that we'll send them. The question's going to be: What's the Senate going to do and what's the President going to do?

I'm joined here by a very good friend of mine, Congressman KING from Iowa, somebody who has a passion and love for America and a love for free enterprise. And he has a good reason to have a love affair with free enterprise, because he is a small business man, started his own business, sustained his family and has held his head high and proud. He has some tendency to speak sometimes on the floor here in Congress. Many of you may know my good friend Congressman KING, and I'm going to call on him and just ask him if he'd like to make a comment or two about this whole situation that's coming up this week and how it relates to the Bush tax cuts and whether or not it's really going to solve all the problems that the country has and what the solutions really would be. And I believe you'll hear a story that's very common sense, very much in line with free enterprise and the American Dream and refreshing and hopeful. My good friend, Congressman KING.

Mr. KING of Iowa. I thank the gentleman from Missouri for bringing his insight here to the floor of the House so many nights in a row when others might decide to call it a day. There are Americans that are lying awake that are worrying and concerned about what happens here in this United States Congress, this great deliberative body, and the future and the destiny of this country established here often on the floor of the House of Representatives, and that's why every word that's spoken by the gentleman from Missouri and others is essential and it contributes to the direction that America takes.

And as I listened to the gentleman from Missouri, Mr. AKIN, present this very cogent and factual presentation here tonight with the charts to back it up, and I remember my good friend from Minnesota, Congressman Gil Gutknecht, who used to say that if you have a chart to back it up you're 40 percent more believable. And of course I don't know how you improve upon being completely believable, which is the case with the gentleman from Missouri. But I was inspired as I listened to the gentleman's discussion about the estate tax and what happens, and I think it's so important that we think about the function of tax policies.

And I listen to the class envy on the other side of the aisle. And there are many over there that are steeped in class envy and think that if a person works their entire life and compiles enough money to be worthy of the trouble of the tax man stepping in and taking a chunk of it, as much as they can get, that somehow there's a justice

at the end of the generation to take the earnings of that generation and spread it out amongst the other people instead of allowing it to go to the next generation.

And I think about my ancestors that came across the prairie in a covered wagon. I think about my great-grandfather who arrived here from Germany on March 26, 1894, and he had four or five of his children with him, and the balance of his nine children were born here in the United States, the ones that survived. And his dream was to be able to homestead, buy and build a farm for each of those children, nine children that reached maturity. And he bought nine quarter sections of land, 160 acres each, and that's what it took to support a family. You need to raise, oh, six, seven, eight, nine or ten kids on 160 acres.

And he had a diversified farming operation that had a few milk cows, some sows. He raised some corn and later on some soybeans and some oats and some hay ground, and everybody went to work and they built their future and their destiny on that land. And the dream was: Can we hand that land over to the next generation? Can we take this unit and deliver it to the next generation? And his dream, with nine children, buying those nine quarter sections of land was, if he could set each of them up on 160 acres of land that they would inherit from him, that if they took care of the land, they took care of the livestock, it would all take care of them, and they could raise their children, and the next generation could go build upon the equity that was earned in his generation.

Mr. AKIN. You know, I can't help but get excited about what you're saying. You're talking about the American Dream before there was all this tampering government. And the thing that I find just absolutely amazing—let's compare your grandfather to somebody else. And I don't know who it was, but somebody else who, instead of making those sacrifices and doing the hard work, went out and drank and gambled everything away so he died penniless. Now, the system of tax that is being proposed by the Democrats is going to reward that guy because he won't pay any death taxes at all. And yet your granddad, who made all kinds of personal sacrifices and hard work to set up his children and grandchildren, he's going to get his hide taxed off of him. What kind of tax policy is that? A tax policy should encourage the American Dream, not destroy it.

Mr. KING of Iowa. And if I would say that if he was sitting in Germany in 1893 planning his trip here in 1894, thinking he was faced with tax policy that would confiscate his life's earnings and pass it back to the government and distribute it to the people that were not engaged in the free enterprise—

Mr. AKIN. Fifty percent of his earnings

Mr. KING of Iowa. Or 55 percent. Even if the ball drops at Times Square and we don't get this thing resolved, taking away half of what he'd earned in his lifetime, he would have not had that dream. He's unlikely to have even come to the United States. But he's really unlikely to have bought those nine quarter sections of land, because he would know that before he could hand it off to the next generation, the tax man would come in and swallow up half of it.

And so here's the scenario. I mean, unfortunately for my great-grandfather, he lost all of that land when the stock market crashed in 1929. He didn't lament that. He'd engaged in free enterprise, capitalism, and commerce, and it didn't work out for him. The timing was wrong, and he lived the rest of his life in Pierson, Iowa, a lonely man in a tiny little house. But he had the dream. He had the chance to access the dream. And it didn't work out for him, but his children received the vision of his dream and they went to work and they built, and they raised their children with the same dream that brought him here to the United States.

And so I think today, even though it hasn't worked out for my family in the way that it was envisioned, and there isn't wealth on either side of my family that counts as taxable in the estate tax configuration, no matter what it is, it inspired them nonetheless. They worked nonetheless. They invested capital anyway, and they went to work. And so—

Mr. AKIN. You know, just stopping your story for a minute there, it strikes me that the policies that killed your grandfather's dream in the Great Depression were the same policies that we've been following for the last 2 or 3 years. There's nothing new about it. It was excessive Federal spending, excessive Federal taxation all packaged up as Keynesian economics. And Henry Morgenthau, after he killed that dream, came to this Congress and said, Guys, it didn't work.

And we're not listening to it, and here we go again doing the same thing. I just feel like we have got to learn something from history. And your grandfather is such an inspiration. And certainly what he passed on was the vision of the fact you can make it in this country. You can go from being poor to being well-to-do if you work hard and you try hard and you live that dream that's in your heart. That's what America's supposed to be about.

I yield.

Mr. KING of Iowa. Well, in the succeeding generations, the dream was passed on even though the equity was not, because they didn't build the equity but the dream was there. The obligation and the duty and the appreciation for America embracing my ancestors coming here was passed on to me, and it said stand up for this United States of America, this free enterprise dream. And today, the families that it's worked out for, those who have made that investment, that hung on to that land, that spent two or three generations or more building a family farm—and let's say now, today, it's not 160 acres that it takes to sustain a family but 1,000 or 1,500 acres that it takes to sustain a family. And that's more accurate.

□ 2340

Let's just say that that unit that was put together, two sections of land now, 640 acres a section, 1,280 acres altogether.

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

Mr. AKIN. Mr. Chairman, I thank my colleagues for joining us in the discussion here about really the future of America.

KILLING THE AMERICAN DREAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized until midnight.

Mr. KING of Iowa. Mr. Speaker, and I would ask the gentleman from Missouri if he would mind sticking around here for a seamless transition into this dialogue. And I appreciate being recognized to address you here on the floor of the House. It is always my privilege.

And I would pick this narrative up where it was left off in the transition component of it, and where I was, with 1,288 acres now required to sustain a unit of operation, that would be these acres, and a home place that was built with grain storage and transfer equipment and livestock facilities and those things that make it a system and a unit. Maybe some rented land out there, some rented pasture, some hay ground, some rented crop ground that keeps this system that is a viable and effective unit. And now, let's imagine that.

Mr. AKIN. A couple tractors, combine, some equipment worth a lot of money.

Mr. KING of Iowa. And let's say five kids. That is a good number. Five kids, and they are raised on this farm.

Now, two sections of land, paid for, and the 90-year-old patriarch of this family has reached the end of his life and he is watching how his life's work that is the legacy of his predecessors, the life's work of almost a century of his memory adding all up to this point where, if he passes away in the first minute of next year, the taxman hovers over the death bed and reaches in and pulls out, aside from the $1 million exemption, 55 percent of the asset value.

That means that half of the land that has been accumulated goes to pay the taxman. The other half of that land, the five children that would inherit the balance of what is left, would have a 20 percent equity share in the land that is left, 20 percent equity share in 45 percent, roughly, of what was left. None of those children then, on that basis, have enough equity to hold that system, that unit, in place.

And so they look at this and they would think, do I want to be in debt the rest of my life trying to retire this debt, trying to borrow the money to buy the section of land that it takes to pay the taxman and buy the 80 percent that is left that they don't have equity in, that goes to their siblings, and to be able to turn the cash flow to retire it to serve the interest and principal on those two sections of land? And the answer that they will come away with, and a rational banker will tell them: You can't hold this land. I am sorry, but you have got to put it before the auction, sell this land off, pay the taxman, and then distribute the rest of the proceeds amongst your siblings and you get your 20 percent that is left over after taxes.

That means that a century of work, three generations or more that have compiled these assets, is gone, taken away, because of the class envy that comes from the leftists in this Congress and the people that think that the American dream isn't about building equity, and that you shouldn't be able to transfer wealth from generation to generation, and that somehow, because someone else worked and created the capital that this Nation thrives on, you should be punished in the transfer of that wealth into the next generation. The gentleman from Missouri knows this. I know this in the Midwest. They should know this all across America.

Mr. AKIN. I appreciate your yielding for a moment, because what you are talking about, I guess economists would say, there is sort of an economic lot size. If you have a farm worth 2,000 acres, that may be viable; but if you have to sell off 55 percent of your land, 55 percent of your tractors or your combines or your equipment, and then you divide it across several siblings, it won't work anymore.

So what you have done is not only have you taken away something that was part of the dream that somebody saved all their life to pass on to their kids; we are saying we are going to punish people who want to pass things on to their kids. That is not the American dream. That is killing the American dream.

Now, you raised another thing, and I would like to talk about this. I have heard people, talk show hosts and others, talking about this, and I feel like they are not approaching it from the right way. You are talking about class envy, and it is always the upper class and the middle class and the lower class, and, ''I am for the middle class.'' And it is all this class, class, class stuff. And I feel like saying: Stop. Wait just a minute. I thought America was a classless society. I thought America was a place where you could come here dirt poor, end up as a millionaire, and nobody really made a whole bunch of stuff about that. They didn't tag you with, you can't go to dinner at somebody's house because you are not the right class. That is the way it is in Europe, but that is not the way it is in America. The America I know is classless. And I don't look down my nose at somebody doing a hard job, because the guy working hard is probably going to be the guy who is going to be the millionaire, he is probably going to be hiring my kid to mow his yard for him.

So why do we talk about classes? Why don't we talk about jobs and the American dream? That is what I don't understand.

Mr. KING of Iowa. The gentleman is completely correct on this. I would add to this point. Let's just say that a entrepreneur has a bright idea, and let's say 10 kids. That is a good start on a family, I tell them. And this bright idea from the entrepreneur starts a business, and they build their equity base because of the creativity and the energy and the conviction and the productivity and the competition that they put into the marketplace. This individual reaches that age of 45 or 50, and they can look ahead and say: I can check out of this. I can sell out my business and I can make the rest of this on really solid, stable investments, and I don't have to worry about the rest of my life. And, furthermore, if I continue to work, continue to take risk, continue to produce and expand the capital base of America, everything that I work for, for the rest of my life, is going to go off to the taxman to be redistributed among people across America, and I can't even give it to my children.

What does a rational person do in a case like that? And I will submit to the gentleman from Missouri and the Speaker that a rational person would come to the conclusion that it didn't pay to continue to produce once you reach the level that you could take care of yourself for the rest of your life, because you couldn't pass it along to the next generation. That destroys the American dream, and it blows the entire thing up.

I see my friend, the Judge and the gentleman from Texas, who concluded that legislating from the bench was the wrong thing, and coming to Congress to legislate from here is the right thing. And I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate my friend from Iowa yielding. In fact, exactly what you are talking about was a real-life case in my extended family. There was a great aunt, predeceased by her husband. They had 2,500 acres in south Texas. It had been built up over a number of generations, over 100 years. They have done exactly what you are talking about. They worked. And, by the sweat of their brow and all the sweat equity, scraping together money, they kept accumulating land and would pass that on.

Well, along comes a greedy Congress that decides: When you are dead, we are going to do as our friend TED POE has talked about happened in a case tried in his court where a guy died in an accident, and a thief came in and stole his wallet out of his pocket while he was dead. Well, that guy went to prison for a long time because he was caught. Well, the government is doing that.

Mr. KING of Iowa. And a place in eternity.

Mr. GOHMERT. Exactly. Anyway, my great aunt's husband predeceased her. When she died, she had left a will that set aside one section of land to be sold to pay off the estate tax. Unfortunately, this was 1986, and that also happened to be a time when FDIC and the SLIC, later the RTC, they started accumulating and they started dumping land around that area.

Land had been valued around $2,000 at the time of her death in 1986, but within a year or so when the estate was being settled, because of the land being dumped in the area, it fell to $600, $700 an acre. The IRS took every acre of the estate, because at the time the land fell to $600 or $700. The IRS did allow a year or two extension hoping the land value would come back so they would get to save an acre or two. But out of 2,500 acres, it was around a $5 million estate at 2,000 acres, and there were some comparables around that when she died to show it was that value. But when it fell to $600, $700, the IRS said, ''It is all ours, because it will take every acre of land to pay your 55 percent estate tax even after the exemption.''

They forced the sale of every acre of land, and her home, where she had designated specific bequests: I want you to have my china; I want you to have my crystal; I want you to have these beautiful pieces of furniture, you to have the table.

Well, we got a cry from her immediate family, ''Please come, because the public is coming to this auction. The IRS is auctioning every single item from her home.''

I was one of a number of family members, and we had an agreement between ourselves: If the individuals that she had specifically bequested things to were able to bid, we let them bid on those things and stayed back.

□ 2350

But it was heartbreaking to see item that Aunt Lilly loved after item she loved being bought by the general public who had come with lots of money to take aunt Lilly's things, all because a greedy Congress couldn't care less that they took every acre, they took her homeplace, and her heir that was willed the home had to buy her home. That is the IRS, and, of course, the IRS is nothing more than the designee of this Congress to go steal things from people, and we make it all legal by what we pass here.

Morally, it is not right what we do in taking people's property, in prying their wallet from the dead carcass of someone because we can, because we have that power. It is not right.

I can tell you, in my immediate family I will never be affected by the estate tax. Not in my immediate family

I won't be. But I know as a moral factor, it is wrong. It is just wrong. It is incentive killing.

And speaking of Congress and the things we do, you know, we may be voting as early as tomorrow on this so-called tax extender bill. Leave it to this Congress to figure out a way, when people across America have said, hey, people across America didn't get a pay raise. Social Security, they didn't get a pay raise. They got no COLA. You guys don't get any COLA, you don't get a pay raise. And this Congress, the Democratic majority said, you are right, we are not going to get a pay raise. We hear you. We are not going to get a pay raise.

But, you know what? In this tax extender bill we are going to cut 2 percent off the Social Security tax. In other words, we are going to give ourselves well over a $2,000 raise next year if this thing passes. I mean, how ingenious was it for this Congress to come up with a way to get a pay raise, when we promised people we weren't going to do that this year?

Mr. KING of Iowa. Well, I thank the gentleman from Texas.

Reclaiming my time, I look at the configuration of this proposal that is coming to the floor tomorrow and I am troubled by it. There are some good things in it.

To ensure that the current tax brackets can run for 2 years, that is a good thing. It is not as good as it needs to be. It mitigates the damage of the increase that is impending in the death tax, but it doesn't address and fix the problem. It just makes it less egregious. So those are the good things about it.

I am one who supports the credits for ethanol and biodiesel. I could make that argument, and it is not a bumper sticker argument. But the Federal Government has said we want you to invest your private sector capital in producing renewable fuels, and if you will do that, we will make sure there is enough there to get you started.

Well, they invested, at least in my district, 3 years in a row over $1 billion in renewable energy, and now we are looking at that rug being jerked out from underneath the people that trusted the Federal Government. We may or may not agree on that policy here, but I think the government needs to be consistent.

But in any case, here is what we are really looking at: We need to make the current tax structures permanent. We need to eliminate and abolish the death tax, because it is an immoral tax.

And into this bargain, what do we get? We get an increase in the death tax that goes from zero on up to a $1 million exemption with a 35 percent tax, and that ax that is hanging over the head instead is a $1 million exemption and 55 percent.

The current tax is zero. George Steinbrenner's heirs paid zero in death tax, and those who pass away in this year pay zero, no matter what the amount of their equity. Actually, these are the goods things about this proposal.

But the bad things are this: That the unemployment extensions that are there take it out to 99 weeks. We have gotten along for about three generations with 26 weeks of unemployment. We know that that bridges people over a seasonal job, it gives them half a year to find a job. And when you look at the time that people that are on unemployment spend to search for a job, it is about 20 minutes a day in the first weeks of their unemployment, and as that unemployment winds down into the 26th week, it is about 70 minutes a day that they spend looking for a job. They are far more likely to find a job the first week after their unemployment runs out than they are to find a job in the first week that their unemployment starts.

So there is a huge transfer of wealth that takes place there, paid for out of borrowed money that comes from the Chinese, the interest and principal that is dumped on our children, and that is about $56.5 billion that accumulated there.

Then we have about $40 billion with the transfer payments. These transfer payments come in the form of refundable tax credits. Refundable tax credits is money that goes off budget, 100 percent of it is borrowed, and a lot of it from the Chinese, that pays people that are do not have a tax liability for the child care tax credit that is there and about two other credits that transfer wealth.

You add this up, that is about $40 billion in that category, and $56.5 billion in the other category. So we are in the area of $101 billion or $102 billion in transfer of wealth, before you get to the pay control component this, which troubles me.

They lower the payroll tax by 2 percent on the employee side, but not on the employer side, which distorts the equation of a dollar out of the employee, a dollar out of the employer. And most of us see this as that is all money that is earned by the employee. As an employer, I will make that case. But when you distort the equation, then you are presuming that the employer is making money and the employee is not, and the favor goes to the employee side of this. It will take awhile for economics to balance that one out.

But in the end, we have a 2-year extension of current tax structure for personal income tax, which if you think about it from a business perspective, if you have a business plan and a business model and you are going to invest capital in order to try to get a return on that capital, which means make some money, and in the process of doing that you create jobs, if you have a business model that has a 2-year ROI, return on investment, if you have got that kind of a business model, you have already invested that as fast as you could come up with the idea and come up with the capital to invest it. But most of this on the other side, most capital investments are 10 or 15-year returns on investment.

So if you have got a 2-year extension and a tax increase on the other side of that, it doesn't release the capital in such a way that it is going to create the jobs. So we don't get anywhere near the kick out of this for our economy that some of the economists say that we do. And the day will come at the end of these 2 years, we are in the middle then of a presidential race, congressional races, House and the Senate, and the debate then engages again, do we do President Obama's Keynesian economics on steroids, do we continue and add to the $3 trillion in wasteful spending that has come from that? And they are going to say, well, we gave you your tax model for 2 years and it didn't work. Therefore, we need to go back to spending money like Morgenthau admitted was wrong.

I yield to the gentleman from Missouri. I see we have 3 minutes left.

Mr. AKIN. I appreciate your yielding. Certainly I think the point that you have said eloquently I tried to make earlier tonight, and that is what you are looking at here is not the Republican solution. It is not a good economic solution. It is not a good moral solution. It is something that is a Christmas-New Year's solution on something that people have seen for 3 or 4 years coming along, plenty of time, if we really wanted to deal with it.

The other thing is that all of the discussion that I hear is so amazingly oblique to what we should be thinking. It is all about, well, does the middle-class guy get more? Does the rich guy get more? Does the poor guy get more? It is not about that. It is about America. It is about the fact that we have got an economic recession going. It is about the fact that we want the American dream to have some fresh life breathed into it and economic policies that don't rip people off. It is about the fact that socialism is theft. It is not a legitimate function under the Constitution or the government. It is about the fact that we want the government to be the servant and not the master.

It is the time now for us to blow the whistle and say, enough already. It is time to get back to the system that was designed by our forefathers, and not this endless class warfare gibberish which misses the fact that we are USA Americans.

Mr. KING of Iowa. Reclaiming my time, we have the 87 freshmen Republicans and however many Democrats are coming here who are the cavalry coming over the hill, and we ask them to bring the freshness of their convictions here and weigh in. I believe they need an opportunity to weigh in on this tax policy.

I yield to the gentleman from Texas.

Mr. GOHMERT. One of the things about this 13 months of unemployment insurance is that if people haven't

found a job already, rather than pay them not to work for over a year, train them to do a different job where there are jobs. That is the more caring thing to do.

And one more comment about the tax policy that took all of my great aunt's land. I bought at the auction her music box that was a church that played Amazing Grace. At the end of the auction, most everybody had left, and the observation I had is there was nothing amazing or graceful about that policy.

Mr. KING of Iowa. I thank the gentleman from Texas and the Speaker for his indulgence.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Ms. WOOLSEY (at the request of Mr. HOYER) for today.

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. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. OLSON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4005. An act to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1061. An act 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.

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1275. An act to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1448. An act 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.

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3794. An act to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State Agencies.

S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, December 16, 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 H.R. 6517, the Omnibus Trade Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6517, THE OMNIBUS TRADE ACT OF 2010, AS TRANSMITTED TO CBO ON DECEMBER 15, 2010

	Millions of dollars, by fiscal year—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	813	1,104	347	112	−2,449	2,482	0	0	0	−2,433	−73	−24

Note: Components may not sum to totals because of rounding.
Source: Congressional Budget Office and the Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

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

10896. A letter from the Director — National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Nonformula Federal Assistance Programs — Administrative Provisions for the Sun Grant Program (0524-AA64) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10897. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiroxamine; Pesticide Tolerances [EPA-HQ-OPP-2010-0136; FRL-8850-9] received November 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10898. A letter from the Secretary, Department of Defense, transmitting a letter of notification that the Department of the Navy intends to expend funds to design the OHIO Replacement SSBN with the flexibility to accommodate female crew; to the Committee on Armed Services.

10899. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OTS-2010-0023] (RIN: 1550-AC35) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10900. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Indonesia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10901. A letter from the Secretary, Department of Health and Human Services, transmitting first quarterly report on Progress Toward Promulgating Final Regulations for the Menu and Vending Machine Labeling Provisions of the Patient Protection and Affordable Care Act of 2010, pursuant to Public Law 111-148, section 4205; to the Committee on Energy and Commerce.

10902. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia: Stage II Vapor Recovery [EPA-R04-OAR-2007-0113-201016(a); FRL-9234-4] received November 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10903. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Extension of Attainment Date for the Atlanta, Georgia 1997 8-Hour Ozone Moderate Nonattainment Area[EPA-R04-OAR-2010-0614-201055; FRL-9234-2] received November 30, 2010, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10904. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards [EPA-HQ-OAR-2010-0133; FRL-9234-6] (RIN: 2010-AQ16) received November 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10905. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases [EPA-HQ-OAR-2008-0508; FRL-9234-7] (RIN: 2060-AQ33) received November 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10906. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Custer and Onekama, Michigan) [MB Docket No.: 08-86) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10907. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Agency, transmitting the Commission's final rule — Withdrawl of Regulatory Guide 1.39 [NRC-2010-0354] received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10908. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-72, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10909. A letter from the Special Assistant to the President and Director, Office of Administration, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2010, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

10910. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

10911. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance and Accountability Report for FY 2010, as required by the Government Performance and Results Act and the Accountability of Tax Dollars Act of 2002; to the Committee on Oversight and Government Reform.

10912. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Insurance/Pension Review (DFARS Case 2009-D025) (RIN: 0750-AG77) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10913. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10914. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10915. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10916. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10917. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10918. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10919. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10920. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10921. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10922. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10923. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10924. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10925. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10926. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10927. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10928. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10929. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Authority's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

10930. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Correction of Administrative Errors [Billing Code 6760-01-P] receivedNovember 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10931. A letter from the Acting General Counsel, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

10932. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

10933. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report for fiscal year 2010 on competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

10934. A letter from the Acting Principal Deputy Assistant Secretary, Indian Affairs, Department of the Interior, transmitting notice that the Department proposes to restore funds to the Absentee-Shawnee Tribe of Oklahoma; to the Committee on Natural Resources.

10935. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332C, L, L1, and L2 Helicopters [Docket No.: FAA-2010-0907; Directorate Identifier 2010-SW-044-AD; Amendment 39-16436; AD 2010-20-02] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2010-0778; Directorate Identifier 2010-CE-034-AD; Amendment 39-16490; AD 2010-23-01] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines [Docket No.: FAA-2010-1055; Directorate Identifier 2010-NE-35-AD; Amendment 39-16498; AD 2010-23-09] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2010-0279; Directorate Identifier 2009-NM-148-AD; Amendment 39-16496; AD 2010-23-07] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10939. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-1041; Directorate Identifier 2010-NM-198-AD; Amendment 39-16493; AD 2010-23-04] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10940. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS CASA (Type Certificate Previously Held by Construcciones Aeronauticas, S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes, and Model C-295 Airplanes [Docket No.: FAA-2010-0640; Directorate Identifier 2009-NM-142-AD; Amendment 39-16494; AD 2010-23-05] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10941. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 757 and 767 Airplanes [Docket No.: FAA-2010-1040; Directorate Identifier 2010-NM-207-AD; Amendment 39-16492; AD 2010-23-03] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10942. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series [Docket No.: FAA-2010-0705; Directorate Identifier 2009-NM-206-AD; Amendment 39-16499; AD 2010-23-10] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10943. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -223F, -243, and -243F Airplanes, Model A330-300 Series Airplanes, and Model A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No.: FAA-2010-0675; Directorate Identifier 2010-NM-061-AD; Amendment 39-16501; AD 2010-23-12] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10944. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 [Docket No.: FAA-2010-0870; Directorate Identifier 2010-CE-045-AD; Amendment 39-16505; AD 2010-23-16] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10945. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0700; Directorate Identifier 2010-NM-123-AD; Amendment 39-16500; AD 2010-23-11] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10946. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 757 Airplanes [Docket No.: FAA-2010-0483; Directorate Identifier 2010-NM-065-AD; Amendment 39-16502; AD 2010-23-13] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10947. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), Model CL-600-2D15 (Regional Jet Series 705), and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-1106; Directorate Identifier 2010-NM-237-AD; Amendment 39-16508; AD 2010-23-19] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10948. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-800 Series Airplanes [Docket No.: FAA-2010-1102; Directorate Identifier 2010-NM-016-AD; Amendment 39-16507; AD 2010-23-18] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10949. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-700-1A10 and BD-700-1A11 Airplanes [Docket No.: FAA-2010-0548; Directorate Identifier 2010-NM-041-AD; Amendment 39-16497; AD 2010-23-08] (RIN: 2120-AA64) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10950. A letter from the Deputy Assistant General Counsel for Regulation, Department of Transportation, transmitting the Department's final rule — Relocation of Standard Time Zone Boundary in the State of North Dakota: Mercer County [OST Docket No.: OST-2010-0046] received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10951. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Updates to Pipeline and Liquefied Natural Gas Reporting Requirements [Docket No.: PHMSA-2008-0291; Amdt. Nos. 191-21; 192-115; 193-23; and 195-95] (RIN: 2137-AE33) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10952. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Aging Airplane Program: Widespread Fatigue Damage [Docket No.: FAA-2006-24281; Amendment Nos. 25-132, 26-5, 121-351, 129-48] (RIN: 2120-AI05) received November 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10953. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Pre-Approved Individual Retirement Arrangements (IRAs) (Rev. Proc. 2010-48) received November 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10954. A letter from the Secretary, Department of Transportation, transmitting a report entitled ''The Transportation of Hazardous Materials: Insurance, Security, and Safety Costs''; jointly to the Committees on Transportation and Infrastructure and Homeland Security.

10955. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Oversight and Government Reform.

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:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1764. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes (Rept. 111–681). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1766. Resolution Providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes (Rept. 111–682). 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 Mrs. BACHMANN (for herself, Mr. GOHMERT, Mr. KINGSTON, Mr. MANZULLO, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. BURGESS, Mr. LATTA, and Mr. BILIRAKIS):

H.R. 6522. A bill to prevent pending tax increases and to permanently repeal estate and gift taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 6523. 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; to the Committee on Armed Services, and in addition to the Committee on the Budget, 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. BRADY of Pennsylvania (for himself and Mr. YOUNG of Alaska):

H.R. 6524. A bill to authorize issuance of certificates of documentation authorizing certain vessels to engage in coastwise trade in the carriage of natural gas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. KIRKPATRICK of Arizona:

H.R. 6525. A bill to provide for development of the Former Bennett Freeze Area, to contribute to the rehabilitation of the economic, housing, infrastructure, health, and educational condition of those affected by the former Bennett Freeze, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself, Mr. OLSON, Mr. BRADY of Texas, Ms. FOXX, and Mr. PAUL):

H.R. 6526. A bill to prohibit the payment of death gratuities to the surviving heirs of deceased Members of Congress; to the Committee on House Administration.

By Mr. WEINER:

H.J. Res. 104. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. GARY G. MILLER of California:

H. Con. Res. 334. Concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H. Res. 1763. A resolution directing the Secretary of State to transmit to the House of Representatives copies of all classified Department of State documents assessed by the Department to have been unlawfully disclosed and provided to WikiLeaks and public press outlets; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Mr. POE of Texas, Ms. BERKLEY, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. DEUTCH, Mr. PENCE, Mr. CROWLEY, Mrs. MCMORRIS RODGERS, Mr. MCMAHON, Mr. GARRETT of New Jersey, Mr. WAXMAN, Mr. TIM MURPHY of Pennsylvania, Mr. NADLER of New York, Mr. SHERMAN, Mr. SCHIFF, Mr. ENGEL, Mr. ISRAEL, Mr. LAMBORN, Mr. CAMPBELL, Mr. BILIRAKIS, Ms. FOXX, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, Mr. LOBIONDO, Ms. GRANGER, Mr. MACK, Mr. KING of New York, Mr. BUCHANAN, Ms. SCHAKOWSKY, Mrs. LOWEY, Mr. COSTA, Mr. KLEIN of Florida, Mr. SIRES, Mr. ROTHMAN of New Jersey, Mr. SCHAUER, Mr. WEINER, Mr. MCCOTTER, Mr. ROGERS of Alabama, Mrs. CAPITO, Mr. MCCLINTOCK, Mr. KING of Iowa, Mr. WOLF, Mr. HENSARLING, Mr. QUIGLEY, Mr. ROE of Tennessee, Mr. SCALISE, Mr. LANCE, Mr. TIBERI, Mr. CULBERSON, Mrs. SCHMIDT, Mr. ROSKAM, and Mr. ALEXANDER):

H. Res. 1765. A resolution supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral measures to declare or recognize a Palestinian state, and for other purposes; to the Committee on Foreign Affairs; considered and agreed to.

By Ms. BALDWIN (for herself, Mr. KIND, Mr. PETRI, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. OBEY, Mr. SENSENBRENNER, and Mr. RYAN of Wisconsin):

H. Res. 1767. A resolution commending the Wisconsin Badger football team for an outstanding season and 2011 Rose Bowl bid; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Ms. EDWARDS of Maryland, Ms. BORDALLO, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Mr. HOLT, Mr. CROWLEY, Mr. KING of New York, Mr. PITTS, Mr. HALL of New York, Mr. CAO, Mr. SCHOCK, Mr. MORAN of Virginia, Mr. OLVER, and Mr. WOLF):

H. Res. 1768. A resolution welcoming the release of Burmese democracy leader and Nobel Peace Prize Laureate Aung San Suu Kyi on November 13, 2010, and calling for a continued focus on securing the release of all political prisoners and prisoners of conscience in Burma; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, 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. ROHRABACHER (for himself and Mr. KING of Iowa):

H. Res. 1769. A resolution expressing the sense of the House of Representatives that in order to undermine the Taliban and their terrorist allies, the policy of the United States should support the recognition of Afghanistan's ethnic diversity, promoting mutual respect between various communities and regions of the country and bringing democracy closer to the people of Afghanistan by supporting constitutional change that recognizes and enables a democratic, decentralized, federal structure to replace the present failed centralized system of government, providing a political structure that reflects the diversity of the country and that builds trust and goodwill among Afghanistan's many communities; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

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

H.R. 1616: Mr. HEINRICH.

H.R. 2112: Mr. CHANDLER.

H.R. 3652: Mr. KLEIN of Florida.

H.R. 4278: Mr. MCCARTHY of California, Ms. CORRINE BROWN of Florida, and Mr. LIPINSKI.

H.R. 4866: Mr. LIPINSKI and Mr. FORBES.

H.R. 4959: Mr. LIPINSKI.

H.R. 5028: Ms. KILPATRICK of Michigan.

H.R. 5434: Mr. TONKO.

H.R. 5510: Mr. TOWNS, Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, and Mr. JACKSON of Illinois.

H.R. 5535: Mr. BRADY of Texas.

H.R. 5597: Mr. LIPINSKI.

H.R. 6045: Ms. FUDGE.

H.R. 6072: Mrs. CAPITO.

H.R. 6199: Mr. FATTAH, Ms. NORTON, and Ms. CLARKE.

H.R. 6458: Mr. MURPHY of Connecticut.

H.R. 6485: Mr. WALDEN.

H.R. 6494: Ms. BALDWIN and Mr. CONAWAY.

H.R. 6520: Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Ms. BALDWIN, Mr. GARAMENDI, Mrs. CAPPS, Mr. FATTAH, Mr. LEVIN, Ms. CHU, Mr. QUIGLEY, Mr. LARSEN of Washington, Mr. POLIS, Mrs. DAVIS of California, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. SESTAK, Mr. ANDREWS, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. DOYLE, Ms. WOOLSEY, Mr. MEEKS of New York, Ms. PINGREE of Maine, Ms. LEE of California, Ms. NORTON, Mr. ELLISON, Mr. PALLONE, Ms. HARMAN, Mr. LANGEVIN, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mr. GEORGE MILLER of California, Ms. SCHWARTZ, Mr. MCGOVERN, Mr. ISRAEL, Mr. SMITH of Washington, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. WU, Mr. KLEIN of Florida, Mr. TOWNS, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. STARK, Mr. CROWLEY, Ms. BERKLEY, Mr. HALL of New York, Mr. HINCHEY, Mr. WELCH, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mr. FILNER, Ms. KILROY, Mr. CAPUANO, Mr. SHERMAN, Ms. SUTTON, Ms. SLAUGHTER, Mr. WAXMAN, Mr. SCHIFF, Mr. LOEBSACK, Mr. PETERS, Ms. ESHOO, Mr. ENGEL, Mr. HONDA, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. WEINER, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mr. COHEN, Mrs. LOWEY, Ms. HIRONO, Mr. BISHOP of New York, Mr. REYES, Mr. CLYBURN, Ms. JACKSON LEE of Texas, and Ms. LORETTA SANCHEZ of California.

H.R. 6521: Mrs. BIGGERT.

H.J. Res. 97: Mrs. BACHMANN.

H. Res. 764: Mr. PETERS and Ms. TSONGAS.

H. Res. 1355: Ms. ZOE LOFGREN of California.

H. Res. 1377: Mr. WAXMAN, Ms. WOOLSEY, Mr. COSTA, Ms. SPEIER, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mr. MCNERNEY, and Ms. HARMAN.

H. Res. 1461: Mr. OLVER, Ms. MATSUI, Mr. POSEY, Mr. LAMBORN, Mr. CARDOZA, Ms. SPEIER, and Mr. NEAL.

H. Res. 1716: Mr. WOLF, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. LAMBORN.

H. Res. 1725: Mr. TANNER.

H. Res. 1762: Mr. MORAN of Virginia and Mr. LEVIN.