United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, MARCH 3, 2010 No. 29

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SCHAKOWSKY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 3, 2010.

I hereby appoint the Honorable JANICE D. SCHAKOWSKY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Imam Abdullah Antepli, Duke University, Durham, North Carolina, offered the following prayer:

Peace be with you all. Please join me in prayers.

O God of all nations, look with favor upon this esteemed Congress. Guide these important decision makers with Your divine light. Be their source of strength and comfort. Enable them to serve You and glorify Your name by serving the citizens of this great Nation and to the entire humanity, regardless of their gender, ethnicity, or religion.

O God, make them Your instruments to deliver Your divine mercy and compassion. Bless them with Your openness and humility. Fill their hearts and minds with passion and determination to improve the quality of the lives of their fellow human beings. Grant them success in their efforts to wipe out poverty, ignorance, racism, and hate in this country and beyond.

O God, make these women and men peacemakers, healers and bridge builders, so urgently needed in our wounded and broken times. Give them the strength that they need to keep what needs to be kept. Give them the courage that they need to change what needs to be changed. Give them the wisdom that they need to distinguish one from the other.

O God, if we forget You, do not forget us. In Your most holy and beautiful name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY 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.

RESIGNATION AS CHAIR OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following resignation as chair of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 3, 2010.

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

DEAR MADAM SPEAKER: I respectfully request a leave of absence from my duties and responsibilities as Chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its findings on the review currently underway.

CHARLES B. RANGEL.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

WELCOMING IMAM ABDULLAH ANTEPLI

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. PRICE) is recognized for 1 minute.

There was no objection.

Mr. PRICE of North Carolina. Madam Speaker, I wish to introduce to my colleagues my distinguished constituent and today's guest chaplain, Imam Abdullah Antepli. I also want to welcome in the gallery our many guests from the Duke University community, the Muslim community, the Turkish community, both from the triangle area of North Carolina and from the Washington area.

Imam Antepli has a long and distinguished record of faith-based and humanitarian service in countries ranging from his native Turkey to the Southeastern Asian nations of Burma and Malaysia. Since moving to the United States in 2003, he has been a true pioneer in the field of Muslim campus ministry, serving as the first Muslim chaplain at Wesleyan University and as the founding member of the Muslim Chaplains Association. He later served at Hartford Seminary, where he completed his doctorate on the challenges and opportunities facing the Muslim campus ministry in the United States.

In July 2008, he came to Duke University to serve as the school's first full-time Muslim chaplain. Although he has been on campus less than 2 years, he has made an enormous impact on the university community. His role is obviously to facilitate worship and study for the school's Muslim students, but he has taken on much more than that. He counsels students of all faiths, fosters understanding of the Muslim faith, and is much in demand as a speaker and a participant in a variety of community events. This is a

remarkable accomplishment at a time when religious differences still threaten to divide us from one another and from other nations.

I first met Imam Antepli last September at a meeting of Islamic study scholars in which he participated, and I was immediately struck by enthusiasm, his intellect and his readiness to engage. Throughout his career, he has truly exemplified the notion of faith in action and has made a habit of practicing the values of tolerance, understanding and respectful dialogue, which he preaches.

So, Madam Speaker, I am pleased on behalf of all of our colleagues to introduce and welcome Imam Abdullah Antepli to the House here today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

AFGHANISTAN, TO STAY OR TO GO

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

Mr. KUCINICH. I am a proud Member of this institution. I believe in this Congress, and I believe in the Constitution of the United States. And I think moments arise in the history of this institution when we have to take a stand for the Constitution. That's why this Thursday I will introduce a privileged resolution that will call for Congress to reclaim its power under Article I, Section 8 as to whether or not we stay in Afghanistan.

Now, some people here may believe in that mission. I don't. Some people here may believe in the surge. I don't. Some people here may believe that we should stay there for as long as it takes to do whatever we want. I don't. I believe that Congress, though, needs to speak and to have a debate on Afghanistan and to be able to decide in our wisdom, if we so choose, to get out of Afghanistan, which is what I hope that we do.

But whether you're for it or against it, Congress finally will have a chance to have that debate because the privileged resolution is being introduced on Thursday. It will lay over the week, and next week we will finally have a debate over whether to stay in Afghanistan or leave. And I hope we vote to leave.

HOME DEPOT PROMOTES JOBS

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

Mr. WILSON of South Carolina. Mr. Speaker, on Monday I will participate in a ribbon-cutting ceremony for Home Depot's Rapid Deployment Center. Located in the midlands of South Carolina, this Rapid Deployment Center will not only create new jobs for South Carolinians, but it will also give Home Depot stores more flexibility to control the products on their shelves and keep these products in stock.

Detailed by Home Depot, the new Rapid Deployment Center is a 465,000 square-foot facility located in West Columbia. It will provide 220 full-time jobs at startup; and as more stores are added to the program, this will increase to 400 jobs. I want to thank Home Depot for their continuing economic contributions to our State, and I welcome these in addition to the positions of 2,660 Home Depot associates already in South Carolina. In these tough times, it's important for lawmakers to give businesses like Home Depot the tools they need to help small businesses create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. The prayers of America are with the people of Chile.

CBO'S RECOVERY ACT ASSESSMENT

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

Mrs. MALONEY. Mr. Speaker, at a recent hearing of the Joint Economic Committee, the Director of the Congressional Budget Office, Douglas Elmendorf, testified that CBO's latest assessment of the Recovery Act found that it had increased our real GDP by as much as 3.5 percentage points, increased the number of people employed by between 1 million and 2.1 million people, and lowered the unemployment rate by as much as 1.1 percent. In short, the stimulus spending bill worked, but we need to do more to grow jobs now.

He also testified that one of the most powerful generators of job growth would be an employer tax credit for businesses that increased their payrolls similar to one I proposed in H.R. 4585 and to one Congress intends to send to the President. These historically difficult times and this growing, but fragile, economy cry out for us to take action, help create more private sector jobs, and get our economy working again for everyone.

THE THIRD FRONT

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

Mr. POE of Texas. Mr. Speaker, as the war against international terrorism continues in Iraq and Afghanistan, I bring you news from the third front, the U.S.-Mexico border, the real inconvenient truth. Recently, the U.S. consular office in the border town of Reynosa, Mexico, closed indefinitely. U.S. officials are barred from the area. The reason, because there are kidnappings and murders and Old West-style shoot-outs in the streets, all on account of violent drug lords fighting over turf on the poorest border.

The United States is not doing enough to stop the international drug cartels and the human smugglers. The greatest Nation on Earth is failing the American people by not adequately protecting the border. Drugs and people are going north, and money and guns are going south. The border has become a war zone that affects good people on both sides of the border. We're sitting on a powder keg that we ignore at our own peril. While we have troops overseas to protect the borders of foreign countries, we should be just as concerned about our own sovereign border.

And that's just the way it is.

CONGRATULATING UNIVERSITY OF NEW MEXICO'S LOBO MEN'S BASKETBALL TEAM

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

Mr. HEINRICH. Mr. Speaker, I am proud to stand on the House floor today to congratulate our University of New Mexico Lobos men's basketball team for winning the 2010 Mountain West Conference Championship. In this truly remarkable season, the Lobos tied the school record for consecutive conference wins. This is the second consecutive year that the Lobos have won the conference championship. And the team recently cracked the Nation's top 10 in both the AP and ESPN/USA Today polls, a feat not accomplished in more than a decade.

To all the team members and to the academic all-American and team leader, senior Roman Martinez, and to all the UNM students, faculty and staff, I want to congratulate you on a tremendous season, and I look forward to your continued success in the rest of March Madness.

Finally, I want to wish the team good luck tonight in their game against TCU, and I join the rest of the Lobos nation in declaring, ''Everyone's a Lobo. Woof, woof, woof.''

HONORING CARLOS ARAGON

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

Mr. CHAFFETZ. America lost one of its finest. Carlos Aragon, 19 years old, from Orem, Utah, was killed while serving as a Marine in the Helmand province. It's so sad when you hear these reports. Your hearts and your thoughts and your prayers go out to the family. But at the same time, your heart is filled with pride that these young men and women will step up at such a young age to fight and protect this country and fight and protect for the good of the United States of America.

I hope we do more to recognize these young men and women. I thank that family. May God bless them, and may God bless the United States of America.

□ 1015

HEALTH CARE REFORM

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

Mr. BACA. Mr. Speaker, the clock is ticking. Too many American families still don't have access to health care. We are at the goal line and we need to take the ball across the line on behalf of the American people. A step-by-step approach is not the answer, especially when families in my district face 14 percent unemployment and many are without health coverage.

In my home State of California, Anthem Blue Cross raised our premiums up to 39 percent. This must stop.

We must pass health care reform that ends discrimination based on preexisting conditions; that makes health insurance affordable; that creates greater accountability on health insurance companies; that cuts the deficit by $100 billion over the next 10 years; that allows doctors and patients, not insurance companies, to make important health care decisions; that does not break the bank for small businesses.

I urge my colleagues to stop partisan politics and deliver health care reform. We need it now and for generations to come.

FEDERAL LAND GRAB

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

Mr. REHBERG. Mr. Speaker, where will it all end? First the EPA decides to regulate breathing, and now we learn that the Department of the Interior is planning a land grab that is so brazen that it is difficult to believe.

By misusing the Antiquities Act, the White House is planning to lock up more than 13 million acres of land in 11 Western States, including more than 2.5 million in Montana alone, much of which is privately owned. And they can do it without so much as one single public hearing or a vote in Congress.

Some of that land belongs to private citizens who have no idea that the Federal Government is planning to kick them off their ranches. If the government can do this to them, what can it do to you?

When policies like cap-and-trade, government-run health care, and establishment of new Federal lands are unpopular, you don't merely bypass Congress or change the rule to ram it through. Americans are sick of secret bureaucratic overreach and Washington, D.C., tricks.

WOMEN'S HISTORY MONTH

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

Ms. SCHAKOWSKY. Mr. Speaker, Monday marked the kickoff of Women's History Month, and in celebration, every day of this month the House will be opened by a woman Member. As co-Chair of the Congressional Caucus on Women's Issues, I am honored to be a part of the largest number of women ever to serve in the House of Representatives. It is 76; still too few.

It is a testament to the women's rights movement that my female colleagues represent the full political spectrum, bringing a diversity of thoughts, ideas, and opinions to the House.

Women have made great strides in the last decade. Fifty years ago, high school and college students across the country were not given support for their sports activities; and yet last week, women of Team USA, our Olympiads, brought home 13 medals from Vancouver.

It was not long ago that girls were discouraged from obtaining a degree in higher education. Today, 57 percent of graduating undergraduates in this country are women; and according to the Center for American Women in Politics, the number of women serving in State legislatures has more than quintupled since 1971. And this is not just a trend in the United States. Women across the globe are breaking barriers.

We have a long way to go, but we need to celebrate how far we have come.

NO GOVERNMENT TAKEOVER OF HEALTH CARE

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

Mr. BUCHANAN. Mr. Speaker, as most people know, Warren Buffett was an early adviser to President Obama. Just this week, Buffett said the President should scrap the health care bill and start over. He noted the American people are not behind this bill. He said the goal is to lower cost. I completely agree with Mr. Buffett. The American people don't want a trillion dollar government takeover of health care. Also, people don't want to raise taxes, cut Medicare, and giveaways to Washington special interests.

We need to reduce costs by taking a few simple steps: one, medical malpractice reform; two, increase competition; three, sell insurance across State lines; four, expand health savings accounts. That is a prescription the American people will support.

ARMENIAN GENOCIDE

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

Ms. SPEIER. Mr. Speaker, my mother, Nancy Kanchelian, was born in 1915 in Fresno, California, the same year the Ottoman Empire began its systematic killing and deportation of millions of her fellow Armenians and members of her own family.

A year ago this week, my mother passed away at the age of 93. And for her entire life on Earth, her country, the United States of America, refused to officially acknowledge what we know to be true. Our own Ambassador to Armenia at the time, Henry Morgenthau, informed the Secretary of State: '' . . . excesses against peaceful Armenians is increasing, and it appears that a campaign of race extermination is in progress.''

Mr. Speaker, the facts here are not in dispute. The one thing left to question is not whether the Armenian genocide took place but, rather, if we in this Chamber have the moral and political backbone to stand for truth. The House Foreign Affairs Committee will have the opportunity this week to pass H. Res. 252 and stand up for truth.

FEEDING NEW ORLEANS' SOUL

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

Mr. CAO. Mr. Speaker, I rise today in honor of Black History Month to recognize Ms. Leah Chase. Known as the ''Queen of Creole Cuisine,'' Ms. Chase is a chef, a television host, a cultural ambassador, and the owner of the famous Louisiana landmark Dooky Chase restaurant. Dooky Chase is located in the historic Treme neighborhood of New Orleans and was immortalized in the television show ''Frank's Place.'' But, it was established as a spiritual, cultural, and historical landmark long before television producers came knocking.

During the 1960s, Dooky Chase was a meeting place for civil rights activists and NAACP members coming from all around the region. And during segregation, notable African American artists such as Ella Fitzgerald and Lena Horne dined there.

When Hurricane Katrina flooded the restaurant, forcing it to close its doors for the first time since 1941, Ms. Chase could have left, leaving behind all of the history and prominence of this historic spot. But she returned, rebuilt, and reopened to serve, nourish, and inspire the bodies and souls of future generations.

Today, I am proud to recognize Leah Chase for her unwavering commitment to the recovery of Orleans and Jefferson parishes.

ENERGY EDUCATION LOAN FORGIVENESS ACT

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

Mr. WILSON of Ohio. Mr. Speaker, this week I introduced the Energy Education Loan Forgiveness Act, a bill to provide student loan forgiveness to

skilled workers in advanced energy industries.

The United States is already facing a critical shortage of trained workers for jobs that focus on energy efficiency, and studies show that demand for such workers will only grow. We need more workers, but we have to educate them properly, and the cost of such an education is an obstacle to many.

My legislation would help ease this burden by establishing a student loan forgiveness program for energy students who go to work in the advanced energy field. This program would start at $2,000 in forgiveness in the first year and go up to $5,000 with 5 years.

If we want our country to lead the way in advanced energy technologies, we have to be willing to invest in that workforce through education.

Mr. Speaker, I urge my colleagues to support this important legislation.

OBAMACARE

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

Mr. PITTS. Mr. Speaker, today we will hear again from the President about health care reform. However, moving forward on another version of these massive health care bills is not progress. Raising hundreds of millions of dollars in new taxes is not progress. Cutting half a trillion dollars from Medicare is not progress. Putting the government in charge of health care in this country is not progress.

We all know how flawed the Senate health care bill is, how it is full of backroom deals like the Cornhusker Kickback and the Louisiana Purchase and many others. Some say the American people will appreciate this bill after it becomes law.

Let's not pretend that the American people just don't know enough about this bill to make an informed decision. They are informed, and they reject it. Let's scrap this massive bill and start over, just like the American people would like us to.

WOMEN'S HISTORY MONTH

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today, I rise to recognize Women's History Month. This month we will be celebrating not only the accomplishments of women, but will also be raising the awareness of the various challenges that still exist and face women today.

Today, women make up about 12 percent of our 1.2 million active U.S. servicemembers.

Today, women like Tran Khai Thanh Thuy are sacrificing their rights to fight for democracy and freedom in Vietnam.

Today, the United States Government is led by more women leaders than ever before.

But unfortunately, women today also continue to be challenged by discrimination, sexual assault, and violence. Despite all of the progress we have made, women and girls continue to be trafficked across international borders on a daily basis.

This month, I encourage all of my colleagues to not only recognize the progress women have made, but also to take action to expand the rights of women today and for future generations.

SCHOOL DISTRICTS FINANCIALLY STRAPPED

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

Mr. WITTMAN. Mr. Speaker, recently during my district work period, I met with officials from Matthews County Public Schools. Matthews County is representative of many of the communities in my district and around the Commonwealth that are dealing with difficult budget challenges.

The Matthews County school system is projected to lose $1.2 million in the 2010–2011 budget year. For a small school district, this is a significant number. Unfortunately, in these cases, usually the only place left to trim the budget is personnel. This would mean less services and programs for children.

Over the years, the Federal Government has expanded its involvement in funding and has added requirements on public education. In some cases, Federal requirements leave school districts strapped for funding. The Federal requirements and mandates are not joined with Federal assistance. In my district, I have formed an Education Advisory Council to look at these tough issues.

Congress should carefully review these important programs and implement commonsense reforms to ensure that we are helping, not hurting, the education of our children. There are many counties like Matthews across Virginia's First Congressional District. We must be mindful of the impacts we have on their budgets.

RECOVERY ACT WORKING

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise this morning to share some success stories from the 20th Congressional District in Florida that show that the evidence is clear that the Recovery Act is working to cushion the greatest economic crisis since the Great Depression and lay a new foundation for economic growth.

In my State of Florida, we are creating jobs and investing in the infrastructure of our community. Indeed, in my district alone, there have been 130 Recovery Act grants that have been awarded. Even more importantly, in my congressional district, 61 small businesses have received more than $21 million in loans. These loans to small businesses have allowed companies to stay open, keep people employed, and prevented an even deeper economic downturn.

Experts agree that the Recovery Act is already responsible for saving or creating 2 million jobs, and we remain on track to create and save at least an additional 3½ million jobs by the end of the year.

The Recovery Act, to be clear, was never meant to replace dollar for dollar or job for job what we have lost. But 1 year in, experts ranging from private forecasters to Governors on both sides of the aisle say the Recovery Act has helped pull us back from the brink of economic disaster and is helping us lay a firm foundation for our economic recovery.

□ 1030

SCRAP CURRENT HEALTH CARE BILL

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

Mr. FLEMING. Mr. Speaker, last year, I introduced House Resolution 615, a resolution that simply says, if you vote for a government-run health care system, you should be willing to be subject to it. As of today, over 3 million Americans have gone to fleming.house.gov in support of this resolution.

This message continues to resonate across America for one simple reason: The people of this country are sick and tired of being the victims of bad laws while their elected representatives exempt themselves from the very same laws. If Congress feels increased taxes, higher premiums, and government-run health care are good enough for American families, then it should be good enough for them as well.

I urge the President and Democrat leadership to listen to this overwhelming uproar from the American public. Scrap the current legislation and go back to the drawing board to craft a true bipartisan bill that increases access and quality of health care while driving down costs for American families.

LEGISLATION TO HELP SMALL BUSINESSES

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

Mr. SCHAUER. Mr. Speaker, I rise to announce new legislation I'm introducing to help small businesses grow and make it easier for them to put people to work. New jobs mean less government spending on unemployment and health care. New employees spend much of what they earn, also boosting our local economies.

In my bill, tax credits are targeted for small business job creation. While we're suffering from high national unemployment, States like Michigan are being hit especially hard. That is why my bill gives bigger tax credits to employers that create jobs in high unemployment States like Michigan. My bill goes to the heart of our economy, helping small businesses, the engine of job creation in America.

BLACKLIST BLACKWATER

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

Mr. MORAN of Virginia. Mr. Speaker, I rise with great concern that the Department of Defense is considering awarding a $1 billion contract to Blackwater, now known as Xe Services, to train the Afghan National Police. Blackwater-Xe is synonymous with abuse, unprovoked violence, and a ''shoot first'' attitude. Their personnel are directly responsible for killing dozens of innocent men, women, and children in Iraq. Clearly, they are not deserving of a U.S. contract to train the Afghan police.

Hiring Xe may irreparably damage our efforts to work cooperatively with the Afghan people and will serve as a propaganda tool for our enemies. They will be seen as representing the American people, which they do not. Given Xe-Blackwater's past performance, our government should not be doing business with Xe, and Secretary Gates should prevent this contract from going forward.

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.

CENSUS AWARENESS MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1096) encouraging individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and expressing support for designation of March 2010 as Census Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1096

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas an accurate census count is vital to the well-being of communities in the United States by helping planners determine where to locate schools, daycare centers, roads and public transportation, hospitals, housing, and other essential facilities;

Whereas businesses in the United States use census data to support new investments and growth;

Whereas census data ensure fair Federal, State, and local representation in the United States and help determine the composition of voting districts at each level;

Whereas census data directly affect how more than $400,000,000,000 in Federal and State funding is allocated to communities for neighborhood improvements, public health, education, transportation, etc.;

Whereas census data help identify changes in a community and are crucial for the distribution of adequate services to a growing population;

Whereas the 2000 Census determined the United States had a total population of 281,421,906 and current estimates project the population has grown to 308,573,696;

Whereas the 2010 Census is fast, safe, and easy to complete, with just 10 questions, and requiring only about 10 minutes;

Whereas the 2010 Census data are strictly confidential and Federal law prevents the information from being shared with any entity;

Whereas the individual data obtained from the census are protected under United States privacy laws, cannot be disclosed for 72 years, or used against any person by any government agency or court;

Whereas neighborhoods with large populations of low-income, minority, or rural residents are especially at risk of being undercounted in the 2010 Census;

Whereas, in the 2000 Census count, Hispanics, African-Americans, Asian Americans, and rural Americans were the most difficult to count;

Whereas the goal of the 2010 Census is to count every person in the United States, including Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States once, and only once, and in the right place;

Whereas the goal of the 2010 Census is to eliminate undercounts and overcounts of specific population groups, problems that were apparent in the 2000 Census; and

Whereas the month of March 2010 would be an appropriate month to designate as Census Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010;

(2) urges State, local, county, and tribal governments, as well as other organizations to emphasize the importance of the 2010 Census and actively encourages all individuals to participate; and

(3) supports the designation of Census Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 1096 for consideration. The resolution encourages individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and it expresses support for designation of March 2010 as Census Awareness Month.

House Resolution 1096 was introduced by my friend and colleague, Representative SILVESTRE REYES of Texas, on February 23, 2010, and it enjoys the support of over 50 Members of Congress.

Mr. Speaker, article I, section 2 of the United States Constitution requires an actual enumeration of the population of the United States every 10 years. The Founding Fathers deliberately placed this requirement in the Constitution in order to ensure fair and accurate Federal, State, and local representation, and the Census serves the same purposes today by establishing the composition of voting districts at every level of government. Accurate Census data is vital to the well-being of every person in the United States.

Census data directly affects how more than $400 billion in Federal and State funding is allocated throughout our Nation. The information obtained in the Census assists planners in determining where schools, daycare centers, health centers, roads, public transportation, hospitals, housing, and other essential infrastructure should be located.

Businesses in the United States use Census data to support new investments, and Census data also helps determine how funds are distributed to communities for neighborhood improvements in public health, education, and transportation initiatives.

Census data also helps identify changes in community makeup and is essential for distribution of adequate services to our continually growing population. In fact, the Census currently estimates that the U.S. population has increased by over 27 million people since the 2000 Census.

The 2010 Census is extremely fast, safe, and easy to complete. It consists of just 10 questions and only requires about 10 minutes to fill out. 2010 Census data is strictly confidential, and Federal law prohibits the personal information from being shared with any entity. Individual data obtained from the Census is protected under United States privacy laws and cannot be disclosed for 72 years or used against any person by any government agency or court.

Given the ease and safety of the 2010 Census, every person in the United States, including individuals in Puerto Rico, American Samoa, Guam, the

Northern Mariana Islands, the Virgin Islands, and all other U.S. territories should also take time to fill out the form and be counted. It is especially important that residents of predominantly low income, minority, and-or rural neighborhoods participate in the Census because these groups are at the center of greater risk of being undercounted in the Census. This is extremely troubling considering the fact that the Census officials estimate that every individual who is not accounted for in the Census loses about $1,500 per year in Federal aid for their community. By taking just 10 minutes to complete the 2010 Census form, it can help ensure that everyone in America is properly represented and eliminate Census overcounts and undercounts.

Additionally, House Resolution 1096 expresses support for the designation of March as Census Awareness Month, which will raise public awareness about the importance of completing the Census.

Mr. Speaker, as Census Bureau Director Robert M. Groves has noted, ''Taxpayers save $85 million for every 1 percentage point increase in the national mail-back participation rate for the 2010 Census.'' With this in mind, let me take this opportunity to express my strong support for House Resolution 1096, which encourages individuals across the United States to participate in the 2010 Census and expresses support for designation of March 2010 as Census Awareness Month.

I urge passage of Mr. REYES' resolution.

I reserve the balance of my time.

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

Mr. Speaker, I concur with my colleague and fellow member of the Oversight and Government Reform Committee. I rise today in support of H.R. 1096, and I am proud to cosponsor this resolution encouraging full participation in the 2010 Census and expressing support of the designation of March as Census Awareness Month.

Our Constitution requires that every 10 years the Federal Government count every person residing in the United States once, and only once, and where they live. As a Nation, we have been doing this every decade since our very first Census in 1790. This is not new.

This week, the Census Bureau will begin the process of delivering the 2010 questionnaire from the Census all across America. By midmonth, the majority of the approximately 120 million households in the United States will receive their form by mail or by hand delivery from a Census Bureau employee.

The 2010 questionnaire is the shortest and simplest one the Bureau has ever sent out. There are only 10 easy questions that should take less than 10 minutes to fill out. And not only is it easy, but it's confidential, too. The individual information that respondents provide is protected by Federal law and cannot be shared with any other government agency.

Census data guides the distribution of more than $400 billion in Federal funds, as my colleague mentioned, directs funds to State and local governments each year, and decides the makeup of representative districts from the United States Congress on down to the school board. Decisions to build new infrastructure such as roads, schools, and hospitals are dependent upon population counts derived from the Census. When people do not participate in the Census, they only shortchange themselves and their communities. A poor response rate means people cannot be accurately represented in Federal, State, and local districts when they are drawn. It means that a community may lose its fair share of Federal and State funding. It means a road that should be built won't. A 10-minute response can help avoid 10 years of underrepresentation and underfunding.

Mr. Speaker, I urge my colleagues to support this resolution, this very important resolution. The Census only comes around every 10 years. We have an obligation, as the people's representatives, to make sure that they know that this is going to happen.

Census day this year is April 1. Every American should get that form in the mail or hand-delivered. Simply fill it out, mail it back in, and you have done your patriotic duty.

Every individual in this country should respond. Let me make this clear: Every individual in this country should respond. It is a wonderful opportunity for you to simply do your patriotic duty. It is what the Founders insisted on. In order for us to have a representative democracy, we must know who we represent, how many people we represent, who's here. And that is our obligation to carry that message out, but it is the American people's obligation to share this message as well.

So with that, I urge my colleagues to support this resolution, this very important resolution.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I appreciate and thank the gentleman from North Carolina for his thoughtful remarks and for his support.

At this point, I would like to yield 5 minutes to the lead sponsor of this resolution, the gentleman from Texas (Mr. REYES), the chairman of our Intelligence Committee.

Mr. REYES. I thank the gentleman for yielding time this morning.

Mr. Speaker, I rise today in support of H. Res. 1096, which designates March, 2010, as the Census Awareness Month. I want to thank subcommittee Chair CLAY and Ranking Member MCHENRY for their leadership in getting this through committee. I also thank the 59 bipartisan Members who co-sponsored this very important resolution.

I introduced this bill to urge communities across the country to raise awareness about the upcoming Census and to encourage individuals to fill out their Census form to ensure an accurate and complete count beginning April 1.

Passage of this resolution will help raise awareness of the Census and its significance to communities all across the United States. Although the Census only happens every 10 years, it is extremely important that we get an accurate count because the data derived from the Census affects political representation and directs the allocation of billions of dollars in government funding.

Every year, more than $400 billion in Federal funds is awarded to States and communities based on Census data. That is more than $4 trillion over a 10-year period. An accurate Census count is vital to U.S. communities because it helps us to plan for new hospitals, new schools, and new community projects. It is also used to determine which places receive additional social services, including development block grants.

□ 1045

Throughout the years, the goal of the census has remained unchanged—to count every person accurately and to collect information that will help us to better serve the needs of our people. The 2000 census counted more than 281 million people.

The census only takes 10 minutes to fill out, and it is strictly confidential. Unfortunately, despite these facts, Hispanics, African Americans, Asian Americans, and rural Americans are among those groups most likely to be undercounted and to be, thereby, underrepresented.

I call on our communities—from churches, schools, nonprofits, big and small businesses, to local, State and tribal governments—to please help us to promote the 2010 Census and to urge everyone to fill out their census forms. Together, we can ensure a complete and accurate count.

With that in mind, Mr. Speaker, I urge all Members to join me in voting in favor of H. Res. 1096.

Mr. MCHENRY. Mr. Speaker, this is not about partisanship. The census is important for every community across this country and for every State in this Nation. Every individual group within this country has something to gain or to lose in this census. It is not simply about how districts are drawn. It is about how Federal, State and local money is allocated. If you don't respond, if you don't mail your form back in, if you don't answer the door when somebody knocks to collect your census data, which is very basic information by the way, you are doing a disservice to yourself, to your family, to your community, to your State, and to your Nation by saying, I don't exist. So it is very important for individuals in this country to respond to the census.

Moreover, it is helpful to see that the President has recorded a PSA, encouraging folks to respond to the census. It shows the importance, from the White House on down to everyone else, for us to respond to the census.

Finally, I hope that the 2010 census is the most successful census we have ever had in our Nation's history. The Bureau has done a solid task of putting together the logistics of getting millions of folks in this country to respond to the census. It's a costly endeavor, but it's one that the Founders insisted on for us to have a functioning democracy. Especially when the House of Representatives is based on population, they wanted to make sure that the population count was correct and accurate.

I thank the Bureau and all of the folks who are working all across every community in this country. Those folks who are working for the Bureau are wonderful, patriotic people, and we want to say thank you for your service to your country and to your community.

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

Mr. LYNCH. I thank the gentleman from North Carolina for his courtesy and for his support.

Mr. Speaker, I do have a copy of the census form here. You can't see it, obviously, because of the size of the type, but it's mostly check-the-box answers. I commend the Census Bureau for simplifying this. As the gentleman from North Carolina has stated, it is probably the simplest version of the form that we have had in our history.

I also want to express the concern that we get about 80 to 90 percent of the forms back in the mail, and this is the most efficient way and the cheapest way to conduct the census. The costly part of the census count is in actually going out and knocking on doors and in trying to get people to respond who have not responded through the mail. That's the costly part. So, to the degree that people can cooperate, can help us out and can mail these back, it's a good use of taxpayer money. It's much cheaper. So there is a dual purpose.

Also, as the gentleman from North Carolina mentioned, the allocation of resources and the representation aspect of this is very important as well.

We have no further speakers. Just in closing, I would ask Members on both sides to support Mr. REYES in his resolution in supporting the census and in designating March as the official Month of the Census.

Mr. DINGELL. Mr. Speaker, I rise today to support H. Res 1096, a resolution introduced by my colleague, Representative SILVESTRE REYES, which encourages individuals across the country to participate in the 2010 census to ensure an accurate and complete count beginning April 1, 2010.

Article I, Section 2 of the U.S. Constitution requires that the enumeration of every individual residing in the United States, is taken every ten years. This month, every household across the nation will have received a 10-question census form known as the Decennial Census.

The importance of correctly filling out and returning this form cannot be overstated. First, data from the Census directly affects how more than $400 billion in federal funds are spent, at all levels of government, and thus, helps determine how and what resources are allocated to a community. Put another way, if our community members don't fill out the census, they will find they are not getting funding to support their needs. Census data is used to determine which schools receive funding for improvements, where new hospitals and roads are built, what new maps are needed for first responders, and where economic investment should be made.

Second, the data from the Census dictates how the U.S. House of Representatives is reapportioned, how each state is redistricted, and how the Electoral College is distributed. I don't need to remind all of my constituents of the importance of ensuring they are properly represented on the federal, state, and local levels.

Filling out the Census is fast (taking most just 10 minutes to complete), safe (the information is treated by law as confidential) and easy to complete (there are just 10, simple questions).

I hope that elected officials at all levels of government, across the country and in Michigan's 15th Congressional District will educate their constituents about the importance of completing the 2010 Census, and, Mr. Speaker, I urge my colleagues in the House to join me in supporting this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, it is with great pleasure that I rise today in strong support of this resolution encouraging everyone across the United States to participate in the 2010 Census and recognizing the month of March as 2010 Census Awareness Month. Since 1930, we have undertaken the monumental task of counting the total U.S. population every 10 years on April 1st. I urge everyone across the Nation to join in the count and I applaud the actions of Representative SILVESTRE REYES from Texas for introducing this resolution.

Active participation in the 2010 Census is especially important in minority communities, which have been historically underrepresented in previous counts. It is important that we do all we can to spread the word about the upcoming census count in these groups. In the year 2000, 3 million of our friends, family and neighbors were not included in the census count. We can no longer afford such oversights which prevent these individuals and their communities from receiving funding. This count affects more than $400 billion in Federal and State funding for public investments, hel planners across the Nation in determining the location of schools, hospitals and senior citizen centers, and assists in determining the makeup of local and national voting districts.

Mr. Speaker, fewer things in life are easier than filling out census forms. Answering these 10 questions is vital to attaining an accurate count of the American people. Let's go to work and make sure that everyone is counted.

I urge my colleagues to support its passage.

Mr. LYNCH. 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 Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1096, 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. LYNCH. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 52 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. MCCOLLUM) at 12 o'clock and 30 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4247, PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1126

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; (2) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 4. It shall be in order at any time through the legislative day of March 4, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of March 4, 2010.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 1126.

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

There was no objection.

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

Madam Speaker, House Resolution 1126 provides for consideration of H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, under a structured rule.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Education and Labor.

The rule makes in order the two amendments that were submitted for consideration and are printed in the Rules Committee report—a manager's amendment by Chairman MILLER and an amendment by Representative FLAKE.

The rule waives all points of order against consideration of the bill, except for clauses 9 and 10 of rule XXI, and provides one motion to recommit with or without instructions.

The rule authorizes the Speaker to entertain motions that the House suspend the rules through the legislative day of Thursday, March 4, 2010. The Speaker shall consult with the minority leader on the designation of any matter for consideration pursuant to this rule.

The rule also provides for same-day consideration of any resolution reported from the Rules Committee through the legislative day of Thursday, March 4, 2010.

Madam Speaker, the bill before us today, the Preventing Harmful Restraint and Seclusion in Schools Act, responds to a shocking and urgent need to protect our children in their schools.

Last year, the Committee on Education and Labor held a hearing where they were told horrifying accounts of young, innocent children who were subjected to abusive uses of restraint and seclusion in their classrooms, and they were told of some who died as a result of this abuse.

These were, unfortunately, not isolated incidents. The committee also heard from the Government Accountability Office's managing director of Forensic Audits and Special Investigations, who testified that the GAO found ''hundreds of cases of alleged abuse and death related to the use of these methods on schoolchildren.'' In Texas and in California alone, the GAO found there were over 33,000 reported incidents of restraint or seclusion during the school year of 2007–2008.

Madam Speaker, this is deplorable and inexcusable, and it is simply not humane. Even worse, parents may have no idea what is taking place in their children's classrooms. Sometimes the only signs parents may ever see are slow but stark behavioral changes in their children, at which point the children have been afflicted with deep psychological issues and damage.

I shudder at the thought that, while innocent children are supposed to be learning about reading, writing and arithmetic, they may be subjected to unspeakable abuse while they are at the hands of their trusted educators. It is abuse which will affect their lives forever. Our Nation's youth already have to overcome many obstacles in their lives, and they should not be subjected to such scars which may never ever heal.

If that weren't bad enough, consider the countless children with disabilities or special needs who are disproportionately restrained or secluded at school at far greater rates. Further, many of these children have no means whatsoever of communicating with their parents.

Madam Speaker, no child should ever be subjected to abuse or neglect, especially when in the care of those we are supposed to trust the most.

Despite what you may have heard from the other side of the aisle, the bill before us today is not about Federal control or about setting up a one-size-fits-all Federal mandate. It is about establishing flexible guidelines for States in order to help them raise the bar and to solve a problem that they simply have failed to adequately address on their own. There are 19 States which currently don't have any laws addressing seclusion or restraint in schools. No laws at all. In the 31 States which do, their laws are all over the map. In fact, some of them set guidelines so low they might as well not have any rules at all.

Madam Speaker, this bill, H.R. 4247, will remedy that problem once and for all. It will require States to meet minimum safety standards to prevent abuse by restraint and seclusion in schools across the country, similar to the protections already in place in medical- and community-based facilities.

H.R. 4247 specifically prohibits the use of mechanical, chemical, or physical restraints or any other restraint that restricts breathing, and it prohibits abusive behavioral interventions that compromise the health and safety of the children. The bill does, however, allow for the temporary restraint or seclusion of a child under certain circumstances if the child possesses an imminent danger to himself or to others in the classroom.

The Secretary of Education will issue regulations establishing such standards, and the States will have 2 years to have their own policies in place to meet or to exceed these regulations.

In closing, I would like to commend the Committee on Education and Labor for its continued efforts on behalf of our Nation's children. I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation.

I reserve the balance of my time.

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

I thank the gentleman from California for yielding time.

I will urge my colleagues to vote ''no'' on this rule for many reasons which I will outline in my comments, but I certainly want to share with the gentleman from California and with the sponsors of this bill the feeling that all of us want to see that our children are protected, that all children are protected, particularly when they are in State-sponsored institutions, such as public schools or other such institutions. Nobody wants our children to be at any risk, and we want to make sure that the people who are looking after them take the proper precautions when they are dealing with them, especially in a physical way.

Madam Speaker, we are here today to debate the rule on H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically in the Tenth Amendment. The authors of this amendment, an amendment ratified in 1791, remembered what it was like to be under the thumb of a distant, all-powerful government, and they understood that a one-size-fits-all approach does not work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily and corrosively eroded the notion of States' rights and of our individual liberties. Nowhere in the Constitution does it empower the Federal Government to override States' rights.

When it comes to the education of our Nation's children, we can all agree

again that students should be able to learn in a safe, productive, and positive environment. Teachers, principals, and other school personnel have a responsibility to ensure that the environment is maintained at all times. In many cases, it is vitally important that teachers and classroom aides use interventions and supports that are both physically and emotionally safe for the children.

What the bill before us fails to recognize is that 31 States currently have laws and regulations in place which govern the use of seclusion and restraints in schools. An additional 11 States have policies and guidelines in place. In some cases, school districts may also have their own guidelines governing the use of such practices in the classroom.

Furthermore, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and on whether they result in child abuse, no matter the hyperbole used by people on the other side.

Last year, the U.S. Department of Education recognized this fact, and through the Office of Civil Rights issued a draft regulation requiring State and local educational agencies to collect data on the use of seclusion and restraints in schools. Moreover, last August, Secretary of Education Arne Duncan sent a letter to each chief State school officer, urging the officers to review their current policies and guidelines regarding the use of restraints and seclusion in schools to ensure every student is safe and protected.

However, instead of waiting until the Department of Education completes its review to see how widespread the problem of harmful seclusion and restraint techniques is, the bill establishes a Federal one-size-fits-all mandate to a problem for which there is not yet a thorough understanding and which would otherwise be handled at the State level.

We know increased Federal regulations do not equal results, especially when it comes to public education. Despite Washington's spending hundreds of billions in Federal dollars since 1965 on public education, the achievement gap has not closed, and test scores have not improved.

□ 1245

Instead, we should be focusing on enforcement of current State procedures addressing seclusion and restraint of students. It is my belief that State and local governments can identify student needs and determine the most appropriate regulations better and more efficiently than the Federal Government.

At the beginning of the 110th Congress, the new majority came to power full of promises for a bipartisan working relationship and a landmark pledge to create the ''most honest, most open, and most ethical Congress in history.''

On page 24 of Speaker PELOSI's ''New Direction for America'' document issued in the 109th Congress, she calls for regular order for legislation.

''Bills should be developed following full hearings in open subcommittee and committee markups with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level.

''Bills should generally come to the floor under a procedure that allows open, full, and fair debate, consisting of a full amendment process that offers the minority the right to offer its alternatives, including a substitute.

''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.

''Floor votes should be completed within 15 minutes, with the customary 2-minute extension to accommodate Members' ability to reach the House Chamber to cast their votes. No votes shall be held open in order to manipulate the outcome.

''House-Senate conference committees should hold regular meetings (at least weekly) of all conference committee members. All duly-appointed conferees should be informed of the schedule of conference committee activities in a timely manner and given ample opportunity for input and debate as decisions are made toward final bill language.

''The suspension calendar should be restricted to noncontroversial legislation, with minority-authored legislation scheduled in relation to the party ratio in the House.''

Those were all the things that the majority promised us before taking over in the 110th Congress. And what do we get? We get this rule, which provides blanket martial law through Thursday.

This practice diminishes democracy. When major legislation is being considered that would add hundreds of billions of dollars to the debt or affect Americans in other ways, Members of Congress should have the opportunity to study the legislation for more than a couple of hours and know what they are voting on.

This rule is a structured rule and makes in order two amendments, one from Chairman MILLER and one from Representative FLAKE of Arizona. Chairman MILLER's amendment, among other things, would change the title of the bill from ''Preventing Harmful Restraint and Seclusion in Schools Act'' to the ''Keeping All Students Safe Act.'' That is a promise that no Congress can fulfill.

Madam Speaker, we have a lot of problems with this bill and we have a lot of problems with this rule, and, again, I will urge my colleagues to vote ''no'' on the rule and ''no'' on the bill.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, the gentlelady from North Carolina states that we have no statistics to back up the point of why we are bringing this bill to the floor today. In just Texas and California, there were 33,000 cases reported to the committee in one year. If that is not a statistic that can make your hair curl, I don't know what is. Even Ranking Member KLINE said that we are in urgent need of further statistics, because he does believe that this is a serious question.

But just to make the point, to make the case even stronger, the gentlelady's State, North Carolina, the reason why we need this bill, she says some States have rules that already deal with this problem. Let me read you a little bit about what North Carolina's law says.

It says it allows for seclusion and restraint to maintain order or calm or comfort in the classroom and does not require that there be imminent danger or an emergency, and people can use it for discipline and to write it into IEP, or individualized education programs.

That is exactly why we need this, because some States, like her home State, don't understand that this shouldn't be the way we deal with children, children with special needs or other challenges. It shouldn't be the standard operating procedure in our schools.

Madam Speaker, I now would like to yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the Chair of the committee.

Mr. GEORGE MILLER of California. Madam Speaker, I want to thank my colleague from California and the Rules Committee for reporting this rule that will allow us for the first time to have Federal guidelines for the protection of children while they are in school. It is important that we strive to keep all children safe while they are in school. I am honored to have worked with and thank her so much for her cooperation, Congresswoman CATHY MCMORRIS RODGERS, who was so instrumental in bringing this bill together and bringing all various parts of the discussion on this legislation together to help us draft the legislation.

Not everybody agrees with it, but we have had wonderful cooperation and support from many parts of the educational community, recognizing the danger for the actions to continue that have put so many children in danger and have harmed so many children, without having an accurate reporting system, without having the proper training of teachers.

Teachers are very often put in a very, very difficult position with respect to what to do, but we cannot have children being taped to their chairs, children having duct tape put around their mouth, children being locked into dark closets or even smaller spaces for multiple hours of the day, for multiple days of the week, so they can establish the comfort in the classroom. That is not the right treatment of that child. And if you are doing it over and over

and over again and you are not changing the behavior, you are not getting the outcomes, you might want to rethink that policy. But, tragically, that is not happening in too many areas.

Yes, there are some State regulations in this area, but they are very incomplete. They are spotty. Some only address one school population, one particular disability maybe, or a particular age group, but not others. But we cannot have, and as the GAO tragically made so graphic to our committee, you cannot have very young children treated in this way. We were presented with the most graphic case of students who died while they were placed in seclusion, while they were placed in improper uses of restraint.

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

Mr. CARDOZA. I yield the gentleman from California 2 additional minutes.

Mr. GEORGE MILLER of California. We met with the parents and the caregivers of those children. And here is the final touch, that in many instances, these children were treated this way over and over and over again, and their parents, guardians were never notified.

In many instances, the first time they realized what was going on is when the child, in a very traumatic way, refused to go back to school, was frightened to go back to school. Some of these children never have really been able to return to a regular school setting. They have lost trust in people in those settings. Or a teacher might venture out and quietly tell a parent that something is wrong in your child's classroom or the way your child is being behaviored.

That is not the kind of notification that parents are entitled to, and it is not the kind of notification that people believe gives them the authority to engage in this abusive behavior.

Also, we know that in a number of instances, medications were used without the involvement of a doctor, without the okay of the parent, without checking with the authorities prior to that.

We do recognize that in particular cases a child may be a threat to him- or herself, may be a threat to another student or to a teacher or to other school personnel, and we do allow them to take actions in that particular case.

But the idea that this ad hoc theory of locking kids in closets while they soil themselves, while they are denied food, while they are denied water, let's look at what this bill does. It says you can't deny water; you can't deny food; you can't deny them access to bathroom facilities. That is kind of basic, isn't it, in the treatment of a child? And think of what happens to a child when that is done. We are not always talking somehow about a worldly teenager here. We are talking about, in many instances, very young children, children in many, many instances with disabilities who may not be able to communicate clearly.

We cannot allow us to proceed against those children without a policy being in place that protects the children and notifies the parents.

Again, I want to thank the gentleman and the Rules Committee for reporting this rule.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

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

Mr. DREIER. Madam Speaker, the American people get it. Last June 24, we, at 3 o'clock in the morning up in the Rules Committee, had dropped into our laps a 300-page amendment that no one had read just as the motion was being offered to move that so-called cap-and-trade legislation to the floor of the House.

Up until that time, being on the Rules Committee as I am, whenever I would talk about process in this institution, Members' eyes would glaze over, and I know that the American people would have their eyes glaze over, and I have even had colleagues of mine from both sides of the aisle say, Why do you talk about process?

Well, Madam Speaker, one of the things I have learned from being on the Rules Committee for more than a couple of years is that process is substance. The utilization of process plays a very critical role in determining the outcome of legislation.

The American people concluded after June 24, when the next day our distinguished Republican leader, the gentleman from Ohio, Mr. BOEHNER, stood here taking his 1-minute and went for an hour going through that 300-page amendment, the American people got the message and they said, You guys don't even take time to look at the legislation before you vote on it. Again, this happened at 3 o'clock in the morning, and within a matter of hours we had that measure on the House floor.

Well, Madam Speaker, why am I going through this? Because in the rule, and I understand that my friend from Grandfather Community has talked about this, but the fact is, in this rule, we have what is described affectionately from Members of both sides of the aisle as martial law rule.

What it means is, in this rule, any Member who votes for this rule is voting to give the majority the authority to, without any kind of consideration, move directly to the floor of the House with legislation. We don't know what that consists of.

In a colloquy I had with the distinguished Chair of the Committee on Rules last night, she said that it was going to be focusing on the jobs issue. But guess what, Madam Speaker? In this rule, there is no clear definition as to what legislation is going to be considered.

Now, this is a structure that is utilized by both sides of the aisle. I will plead guilty. We have used this kind of expedited procedure in the past when we were in the majority. But, Madam Speaker, it is almost always done only at the end of a session when there are very, very important time constraints that need to be addressed, and Members on both sides of the aisle usually end up agreeing to it.

Madam Speaker, I know that I speak for not only my Republican colleagues but the American people, Democrat, Republican, Independent, when I say that the notion of imposing a martial law rule, in what is now the third month of the second session of the 111th Congress, is a nonstarter. We should not be utilizing this kind of procedure at this point.

So, Madam Speaker, I am going to urge my colleagues to vote against this rule and bring back a structure that does in fact strike martial law, which is not what Americans, regardless of political party, want us to be utilizing in dealing with this very important issue.

There is bipartisan support for the underlying legislation, but there is very, very strong opposition, I hope, from both Democrats as well as Republicans because of the fact that the American people do not want us, especially at this time when we are focusing on very, very important legislation, to deal with job creation and economic growth utilizing martial law rule.

So I urge my colleagues to vote against the rule.

Mr. CARDOZA. Madam Speaker, I would like to point out that in the 109th Congress, the Republican Rules Committee, chaired by the gentleman who just spoke, my colleague from California, reported 21 rules that waived the two-thirds vote requirement for same day rules. Furthermore, five of those rules waived this requirement against any rule that was reported from the committee.

□ 1300

So I find it a bit ironic that my friends on the other side of the aisle are so outraged by this procedure that's been done routinely by both Republican- and Democratic-controlled Congresses.

The blanket waiver is to allow maximum flexibility in bringing legislation to the floor quickly—legislation to support the Federal highway transit programs, which provide much-needed jobs during these difficult times; or, legislation to extend vital social safety-net programs such as unemployment insurance and COBRA, programs which, thanks to the Senate and the filibuster that preceded the debates over there, allowed these programs to expire at the end of February, putting 200,000 workers off the job until we get this bill passed. We aren't sure what form all these measures are going to take yet, but it is essential that we have maximum flexibility to respond to whatever legislative vehicles can best address these matters.

I want to point out that these are very, very difficult times. In my own district, we have 20 percent unemployment. Last night, I had a town hall meeting with my constituents. They're demanding answers and jobs. They want it today. They don't want it next week; they want it now. And all of the obfuscation, all of the delay tactics, all of the challenges to getting people back to work are not very tolerated by them these days.

Every day counts in America right now. We have to put our people back to work. I would suggest that we should be figuring out together how to expedite these processes rather than standing on parliamentary procedure tactics to say, No, let's wait some more. Let's put these bills off.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. CARDOZA. I would be happy to yield to the gentleman from California for questions.

Mr. DREIER. I thank my friend for yielding.

Let me first say that, as the gentleman knows, in my remarks that I made from this well just moments ago, I recognized that this is a process that has been utilized under both political parties. So I completely concur with that, and I said that that happened. The important distinction to make is that the five instances that my friend mentioned when we were in the majority, this was all done in the September-to-December timeframe, basically in the waning days of a Congress, or at least a session of Congress. And that played a big role, recognizing that that needed to happen.

Mr. CARDOZA. Madam Speaker, reclaiming my time, in response to the statement of the gentleman, I would just say that, yes, these are used for extraordinary situations, like when 200,000 people are put out of work because of a Senate filibuster for no particularly good reason.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentlewoman for yielding time to me.

Let me say I'd like to engage in a colloquy with my friend, if I might. And I'll be more than happy to yield to him whatever time he needs under our time, because I know he has to deal with these time constraints.

Let me say, Madam Speaker, at the outset, the notion of saying 200,000 people have been thrown out of work because of the actions taking place in the Senate is not right. This had to do with an issue of spending. But let's not get into that. Let's focus on what it is the American people want us to do.

Madam Speaker, the gentleman is absolutely right: Job creation and economic growth is what the American people are talking about. I, too, last night held a telephone town hall meeting and was listening and talking with thousands of people in southern California. Our unemployment rate is not quite as high as the gentleman faces in the San Joaquin Valley. The part of the area I represent, the Inland Empire, just in suburban Los Angeles, has a 14.2 percent unemployment rate. It's a very serious issue.

We need to work together in a bipartisan way. And I consistently stood in this well saying that what we should be doing in a bipartisan way is utilizing the John F. Kennedy, a great Democratic President, and Ronald Reagan model to get our economy back on track. We know what it will take. It's not a dramatic increase in Federal spending. It is encouraging, through incentives, private-sector job creation and economic growth.

This procedure is virtually unprecedented at this early point in the Congress. And I will say, Madam Speaker, that last week, last week, I would have thought that the majority would have learned its lesson as it imposed martial law rule at the end of last week, and then had to come back, and my friend was in fact managing in what was a very unfortunate circumstance for the institution, the idea of pulling back on the McDermott amendment that was considered that clearly, Democrats and Republicans alike, recognized would have jeopardized the security of the courageous men and women who serve in our intelligence field around the world.

So I'd be happy to yield to my friend if he'd like to respond to any of my comments.

Mr. CARDOZA. Well, in response, Madam Speaker, I would just raise that it's my belief that the Senate voted 78 to some teen number. I'm not sure what the final tally was.

Mr. DREIER. It was 19.

Mr. CARDOZA. Nineteen, on behalf of the package, the jobs bill that we're contemplating bringing up tomorrow. Now, this illustrates the point that we've been frustrated for a long time. The gentleman is correct that both his district and my district are suffering from lack of jobs, too high unemployment. But when you get a constant slowing down of the process in the Senate to the point where we can't accomplish what the American people want us to accomplish in this Congress, then you will have this kind of situation where we get into a situation where 200,000 people have been put out of work because of lack of action by the other body.

Mr. DREIER. Madam Speaker, if I can reclaim my time, the gentleman is not talking about people being put out of work; what he's talking about is people who are not receiving these benefits.

Madam Speaker, let me just say that everyone acknowledges that we want to make sure that people who are struggling to find a job today and are unable to find a job are able to receive those benefits. No one wants to deny that. Our colleague in the other body who was raising concern about the spending issue and offsets and pay-as-you-go, which is something that I know my friend has regularly championed, is what led to this issue.

The question is: What is it that we do to get the economy back on track? We've seen a massive increase in spending in a wide range of areas. And guess what? We still have an unemployment rate at right around just under 10 percent nationally, 20 percent in my friend's district, and 14 percent-plus in part of the area that I represent. That's why I believe we should be utilizing this bipartisan John F. Kennedy-Ronald Reagan model. That's what we should do to address the shared concern that we have. But in saying this, Madam Speaker, I point to the fact that we should not be imposing martial law, undermining the ability for us to do what my friend said should be done, and that is working together in a bipartisan way. Because when you at this early point in the Congress, in this session of Congress, impose martial law rule, you undermine the ability for us to work together in a bipartisan way.

Mr. CARDOZA. I will just respond by saying that I'd love to work in a bipartisan way. But you need partners in a bipartisan process. Frankly, we've seen more push-back and diversion and obfuscation of the details and the merits of this legislation. A bill that passes 78–19, as the gentleman indicated, is one where there is significant agreement. Yet, the rules of the Senate often times allow there to be significant delays in very needed legislation to come to the aid of our constituents.

And so I would say that, yes, today or tomorrow we need to bring up a bill that deals with the unemployment benefit for my constituents and Mr. DREIER's and the rest of the Nation's as well. We need to put those transit workers back to work. We need to take care of the business before us. And when we constantly see the generally unfeeling situation where we're just going to have a filibuster in the Senate while folks will no longer get their unemployment benefits and suffer in the process, I don't think that's what the American people sent us here to do.

I believe that we must pass this rule. We must move the jobs bill as soon as humanly possible. And we need to also deal with the education bill that we brought up before the House and is the main purpose for why we're here today.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the reason that the folks on the other side of the aisle are pushing through this martial law rule, same-day rule, is because they have problems in their own caucus. As the gentleman says, they're still contemplating what it is they want to do. Unfortunately, when the Democrats maybe get together and decide what it is they want to do, then they're just

going to spring a bill on us and not even give us a day to read the bill. They just want to bring it onto the floor immediately and then be able to deal with it because, again, they don't know what they want to do. They have dissension in their own caucus.

Every time they can't get their act together, they blame it on the Republicans. They're totally in charge of this Congress, totally in charge of the executive branch, and yet every day we hear its the Republicans' fault that we can't get these things done. You all won't be bipartisan. We're very happy to be bipartisan. We're very happy to sit down and talk about what needs to be done. The American people are telling us every day. We're listening to what the American people are saying. It's obvious that the folks on the other side are not.

This bill, Madam Speaker, authorizes such sums as may be necessary for fiscal years 2011 through 2015 to establish grants to States to help some of their costs. ''Such sums'' is a blank check. We have the worst fiscal crisis we have had in this country in a long, long time. Again, we hear about it all the time on the other side of the aisle. But do they do anything to try to work on that fiscal crisis? No. They make it worse by continuing to authorize ''such sums.'' And we have bills like this every day that continue to authorize more spending, more spending, more spending.

I will be submitting, Madam Speaker, a chart that shows how much money on other bills, such as No Child Left Behind, has been authorized, and then how much is actually spent, because we have a history of that. And we know that when you put out bills that say ''such sums,'' with an estimate of what will be spent, that we always go over in that spending. I will submit that chart for the RECORD, Madam Speaker.

TITLE I, NO CHILD LEFT BEHIND FUNDING

[In million of dollars]

FY2001	8,763
FY2002	10,350
FY2003	11,689
FY2004	12,342
FY2005	12,740
FY2006	12,713
FY2007	12,838
FY2008	13,899
FY2009*	14,492
Total Funding	109,826

*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

TOTAL NO CHILD LEFT BEHIND FUNDING

[In millions of dollars]

FY2001	17,382
FY2002	22,013
FY2003	23,625
FY2004	24,309
FY2005	24,350
FY2006	23,333
FY2007	23,487
FY2008	24,417
FY2009*	24,954
Total Funding	207,870

*Excludes economic stimulus funding under the American Recovery and Reinvestment Act.

We, again, have colleagues on both sides of the aisle who support the underlying bill here. I have great respect for my colleagues on the Education Committee and some not on the Education Committee who will support this bill. I know that they have the best intentions. But sometimes good intentions can have insidious results. One of the insidious results that will come from this bill is to take away from the States the right they have to regulate education. That is given to them by the Constitution.

I don't think that we should be approving the underlying bill, and we certainly should not be voting for a rule that violates even the promises that the majority made, which sounded so good to the American people and which helped them win the majority in 2006 and gain seats in 2008. And every promise has been violated.

So I ask my colleagues to vote ''no'' on the rule and ''no'' on the underlying bill, although I know that I have colleagues who will vote for the bill.

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

Mr. CARDOZA. I'd like to thank the gentlewoman from North Carolina for engaging with me today and my colleague from California in the discussion that we've had on both the underlying bill and the question of the need to bring jobs to the United States of America.

The minority would have you believe that we have totally clamped down on this process and would not allow them to bring up dissenting views on this bill. In fact, nothing could be further from the truth. In fact, the Rules Committee granted the minority the opportunity to submit a substitute. They chose not to.

□ 1315

We made in order both amendments that were submitted to the committee. So basically everything that was offered as a suggestion to improve the bill has been incorporated to this point.

The gentlelady chose not to respond when I pointed out that 19 States have no restrictions whatsoever on using child restraints. And her own State allows for seclusion and restraint to maintain order, and does not require that there be imminent danger or even an emergency in order to duct tape children to seats, to lock them in closets, deny them food, deny them water, deny them access, without parental notification. That is the purpose of this underlying bill, to improve the situation that children are exposed to in our classrooms.

Just a few years ago, 33,000 children in just the two States of Texas and California were exposed to this kind of situation, or at least allegedly so. I would say that we need these guidelines, that we need to intervene, and we need to provide the States with the opportunity to understand what is happening. And we need to compile the statistics, all of which is included in the bill.

Madam Speaker, there is an urgent problem in many of the schools across the country that has gone unchecked for far too long and must be addressed. H.R. 4247 will go a long way towards ensuring the safety of our Nation's children. Again, I ask my colleagues on both sides of the aisle to support this commonsense legislation. I urge a ''yes'' vote on the rule and on the previous question.

Mr. GINGREY of Georgia. Madam Speaker, I rise today in strong opposition to this rule, as well as to the underlying legislation, H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act. As a former Marietta, Georgia School Board Member and as a grandfather with grandchildren in both public and private schools, I believe that it is critically important that students can feel safe in schools.

However, this legislation is not the right way to address this important matter. H.R. 4247 represents a ''Washington knows best'' solution and a one-size-fits-all approach to educational decisions where there is not precedence for federal action. Currently, there are 31 states that have actively taken a role in enacting policies that address the restraint and seclusion of students. Furthermore, 15 additional states—including my home State of Georgia—are planning on addressing this issue this year.

Madam Speaker, H.R. 4247 is a gross infringement on states' rights under the 10th amendment to the Constitution. This legislation tells our states that the work they do to keep our children safe is woefully inadequate and leaves them no flexibility to meet the individual needs of their students.

Additionally, I have grave concerns about the scope of this legislation as it relates to private schools. On page 9 of the bill, H.R. 4247 specifically defines a school subjected to this legislation as ''public or private'' and ''receives . . . support in any form from . . . the Department of Education.''

Madam Speaker, this clearly undermines the longstanding policy that limits federal intrusion into private schools. If this legislation passes, I fear that private schools will begin to limit services that their students are entitled to receive under federal law as a way to avoid being subjected to the law. Therefore, the federal safety standards afforded to children under H.R. 4247 will come at the sacrifice of the educational experience for those students who choose to be in private schools.

Make no mistake; the 10 cases that our colleagues on the Education and Labor Committee examined in their May 2009 hearing on this issue are absolutely tragic. My condolences go out to all of the victims of these horrific acts. There is no doubt that mechanisms should be put in place to protect the safety of both our students and faculty so that tragedies like the ones that have already occurred can be avoided in the future.

However Madam Speaker, I do not believe it is the job of this body or the federal government as a whole to tackle this issue when we leave educational decisions primarily to the states. Instead of passing H.R. 4247, we should be encouraging the 19 states that do not have existing policies on student restraint and seclusion to act as quickly and as swiftly as possible so that all states can keep their students safe in schools.

Madam Speaker, for the sake of the 10th amendment and states' rights, I ask that all of my colleagues oppose this rule, and I urge the defeat of the underlying legislation, H.R. 4247.

Mr. CORDOZA. 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.

Ms. FOXX. 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, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, 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.

EXPRESSING CONCERN ABOUT SUICIDE PLANE ATTACK ON IRS EMPLOYEES IN AUSTIN, TEXAS

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1127) expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1127

Whereas all Federal employees, and those from the Internal Revenue Service in particular, have experienced a terrible tragedy in the suicide plane attack on February 18, 2010;

Whereas Vernon Hunter, who lost his life in the terror attack, had 48 years of public service, including 20 years of serving in the United States Army and 2 tours in Vietnam;

Whereas Federal, State, and local officials have cooperated to respond promptly and professionally to the attack and provide assistance to Internal Revenue Service victims and families affected by the crash; and

Whereas Federal employees, from the Armed Forces to the Internal Revenue Service, serve their Nation with honor and commitment, and perform public service that benefits the entire Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the terror attack perpetrated deliberately against Federal employees of the Internal Revenue Service in Austin, Texas;

(2) honors Vernon Hunter, a victim of the crash, Shane Hill, who suffered severe injuries, and all those who were injured for their service to our Nation;

(3) commends Internal Revenue Service employees for their dedication and public service;

(4) recognizes the heroic actions of the first responders, emergency services personnel, Internal Revenue Service employees, and citizens on the ground in Austin such as Robin De Haven whose actions minimized the loss of life; and

(5) rejects any statement or act that deliberately fans the flames of hatred or expresses sympathy for those who would attack public servants serving our Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 1127.

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

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself such time as I may consume.

On February 18, the IRS family suffered a terrible tragedy. I rise today to express my deepest sympathies to the families of Vernon Hunter, Shane Hill, and the employees at the IRS in Austin, Texas. We as a Nation and as a people are much better than this. We should be better to each other. This type of attack is just wrong, and we must not tolerate violence against our public servants.

I understand that people may not like to pay their taxes, but we cannot take out our anger on IRS employees. They do not deserve this. The people who work at the Internal Revenue Service are mothers and fathers and brothers and sisters who work hard each and every day. They do their jobs, and they do them well. They perform a public service that benefits the entire Nation. This Congress is committed to the safety of each and every person who serves this Nation.

I want to thank the IRS Commissioner for the steps he has taken to enhance security at all IRS sites around the country. We will continue to make sure that the Internal Revenue Service has the resources to improve security at its offices.

I was moved by the many stories of people who reached out and helped each other during this terrible tragedy. Even in the face of chaos and violence, people reached out and helped each other. First responders, emergency personnel, employees, and other citizens showed great courage and compassion to minimize the loss of life. I thank them all and honor them today.

Madam Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Madam Speaker, I yield myself such time as I might consume.

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

Mr. BOUSTANY. Like all my colleagues here in the House of Representatives, I was shocked and horrified by the tragedy that occurred at the IRS office in Austin, Texas, on February 18. I especially want to offer my condolences to the family of Vernon Hunter, who lost his life in this senseless attack. Mr. Hunter dedicated his life to serving his country, including 20 years in the U.S. Army and two tours in Vietnam. I stand with my colleagues today to honor his service and his memory.

We should also recognize the courage and heroism of those men and women, including IRS employees, first responders, and others, who responded to the attack to ensure that our country did not suffer even greater losses.

I would like to associate myself with the words of President Obama to the employees of the IRS when he said, and I quote, ''I am thankful for your dedication, courage, and professionalism as we rebuild in Austin. And as you continue your work, we will do what is needed to ensure your safety. We are grateful for your service to this country. May God bless you and the United States of America.''

Madam Speaker, I reserve the balance of my time.

□ 1330

Mr. LEWIS of Georgia. Madam Speaker, I'm pleased to yield such time as he may consume to my colleague and my friend, the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee and a sponsor of the resolution.

Mr. DOGGETT. I thank the gentleman from Georgia and the gentleman from Louisiana for their important comments. The recent suicide attack in my hometown of Austin, Texas, on an IRS building was a horrible tragedy. I authored this resolution to honor those who were victims, to recognize the courage that was displayed by so many that day, and to condemn such cowardly acts of violence.

Seeing that building aflame after this premeditated suicide attack which was, in the words of Austin Mayor Lee Leffingwell, ''perpetrated in rage without any regard for the sanctity of human life,'' I was just amazed that not more of our neighbors were harmed. In large measure, this was the result of the valor and professionalism amidst the flames and the chaos of the Federal workers, others who came upon the scene, and our local first responders.

Leaders of these well-trained professionals who rose to the call of duty that day include our Austin Police Chief, Art Acevedo; our Fire Chief, Rhoda Mae Kerr; our EMS Director, Ernie Rodriguez; and Travis County HAZMAT Chief, Gary Warren who, with the Westlake Fire Department, was fortunately near the site of the attack and raced into action. And I know

that the neighboring Grace Covenant Church has already offered support and solace for many following the attack.

This resolution also recognizes Robin De Haven. Robin, an Iraqi veteran and a technician with Binswanger Glass, was driving by and was one of the first to rush to the scene as he saw the attack. Without a moment's hesitation, he stopped his truck, got out his ladder, and despite the fire, the heat, the smoke and the chaos, he rescued employees from the second floor of the building.

As the saying goes, ''it's easy to be brave from a distance,'' but Robin showed his bravery close up, very close up, and in doing so, he helped many people escape injury. Last week he became the first Austinite to receive a ''challenge coin,'' recognizing his quick thinking and courage from all three of the city's public safety organizations.

There is the spirit and courage of the Austin IRS employees, whose calm and orderly evacuation saved lives. They were recognized by the prompt visit of IRS Commissioner Doug Shulman, Treasury Secretary Geithner, and Colleen Kelley, the president of the National Treasury Employees Union, who heard firsthand what these employees experienced.

Frankly, all in the building that day were heroes, and we cannot know the names of all who acted with courage. But a few stories that were shared with me by the employees I think are typical: Alfredo Valdespino, who guided employees out of the building and then ran back inside to offer more help. Also returning to help a missing colleague was Richard Lee. David Irving carried a disabled coworker down the stairs and out of the building on his back. Armando Valdez, Jr., and Deborah Fleming yelled to other employees, ''Follow my voice,'' as they guided them away from falling through the gaping holes in the floor. Andrew Jacobson and Morgan Johnson broke out a window and allowed employees to climb out through Robin De Haven's ladder.

That tragic day, even as work continued at the scene, however, after this deadly assault on Federal employees, a Facebook page was created that lauded the killer. This response to violence is deplorable. Intense debate as we have here on this floor about our Tax Code is appropriate. That's what we do here in Congress and in gatherings across the country. There are many tax provisions that I have personally criticized in the strongest terms, and at times I have also criticized the way the IRS has administered the Tax Code. But to demonize and harm public servants who are serving our country at the IRS while praising a murderer or anyone else who would do them harm is outrageous.

Nor is such misconduct unique to this tragedy. According to the Wall Street Journal, the number of threats against IRS employees are on the rise. Just this week, the Austin American-Statesman reported about another local agent's necessary care in opening mail filled with razor blades and pushpins, about last year's phony anthrax attack on another Austin IRS building and an earlier plot to blow up another Austin IRS building. Each year, the Treasury Inspector General for Tax Administration, which oversees the IRS, investigates more than 900 threats against IRS employees, including violence.

Let me be clear: I'm not here today to glorify the IRS. I'm here to condemn unequivocally through this resolution those who would glorify violence against our public employees who are properly conducting their duties in service to our Nation.

There are many who will long bear the emotional scars from this attack, and some still cope with the physical burdens. I want especially to recognize Shane Hill, a 5-year investigator with the Texas State Comptroller's office who happened to be in the building that day and now with his family faces a very long physical recovery.

Vernon Hunter has been mentioned. Known by his friends as Vern, he lost his life in this senseless attack. At his funeral last Friday, he was described as the type of man who always woke up with a smile, always wanted to help others, and as a Texan, never left home without his cowboy hat. Coming from a family dedicated to uniformed service, he served in the U.S. Army for over two decades, which included two tours of duty in Vietnam. His four brothers and a son all served in the United States military, as does his son-in-law today who is actively serving in the United States Navy. After retiring from the Army, he continued that service to his country for almost three decades with the Internal Revenue Service, where his wife Valerie has also worked.

The gentleman from Georgia is a particularly appropriate person to present this resolution today because after living through a life of segregation in South Carolina, Vern was present that day, JOHN LEWIS, when you along with Dr. Martin Luther King spoke down The Mall here in the famous ''I Have a Dream'' speech and the celebration at the Lincoln Memorial. His dream, he saw in his service to his country through the Army and through the Internal Revenue Service, was a dream rooted in freedom and justice; and 45 years after that speech, Vernon was able to witness America's progress when he himself served as a delegate for President Obama.

Dr. Martin Luther King once said: ''The quality, not the longevity, of one's life is what is important.'' Because Vern Hunter cared enough to make a difference, Austin and this Nation that he loved so much and served his whole life was made better. In a remarkable statement at a moment of such great pain, the Hunter family expressed its personal forgiveness of the suicide attacker and expressed sympathy for the attacker's family. These moving words of peace reflect the power of their own faith and the strength of spirit, both of the Hunter family and the Greater Mount Zion Baptist Church family, led by Reverend Gaylon Clark. Vern, his life and his family are a testament about what is best in our country. In him, we have lost a true American hero.

Today I respectfully ask that my colleagues join in adopting this resolution to honor him, the other victims, the employees, and the rescuers and to renounce violence against those who are serving our country.

Mr. BOUSTANY. Madam Speaker, now I would like to yield such time as he may consume to the gentleman from Texas (Mr. MCCAUL) in whose district this tragic event occurred.

Mr. MCCAUL. I thank the gentleman for yielding. And I thank the gentleman from Austin, Mr. DOGGETT, for introducing this resolution. We share Austin, and we share in our grief and share in these tragic events that occurred on February 18. I was in Austin. I was driving, and I saw a bunch of smoke coming out of some Federal buildings where I used to work with the Joint Terrorism Task Force and the FBI, right next door to the IRS building.

I called the police chief that day, and I said, What happened? Police Chief Acevedo said that a plane had flown into the Federal building, and I said, Well, do you know if it was an accident? He said, No, Congressman, it was intentional. And at that point in time, we knew that this was not just some accidental mishap, airplane getting off course, mechanical problems, but rather an intentional act of violence.

What I saw at the scene was quite astounding, and I'm sure the gentleman from Austin saw it as well. The airplane was a rather small aircraft, yet the damage that was done was massive, almost bringing the entire Federal building down. As it was in flames that fateful day, it reminded me a bit of Oklahoma City. It also looked like a sort of smaller version of 9/11. As the flames went up, as the glass blew out, a technician by the name of Robin De Haven, probably one of the great heroes that day, removed glass from the back side of the building and saved five employees of the IRS.

Our thoughts and prayers go to the Hunter family. Vernon Hunter served his country and served in the IRS. He also served in the United States Army for 20 years. His office was right above where the airplane crashed into that building. The plane literally skipped off the top of a car and went into the first floor of the building in an intentional act to kill people.

And I was asked a question at the press conference with the police chief and the fire department, Well, Congressman, was this an act of terrorism? Well, I guess it's all how you define ''act of terrorism.'' But what I said was, Anytime somebody flies an airplane intentionally into a Federal

building to kill people, I think that is an act of terror. And if you ask the Federal employees that day what they thought, well, they certainly thought it was an act of terror as well. We need to stop this in this country. We need to stop this.

The heroism on the part of the Austin Police Department, the fire department, the FBI and the first responders in responding to this tragic scene and saving so many lives when we saw this massive destruction, the great miracle that day was that more people were not killed. Those first responders saved countless lives, and we owe them a debt of gratitude for their great, great service to not only the city of Austin but to the American people.

So with that, let me again thank the gentleman from Austin for introducing this resolution. It's very timely. We do share that city together. We work well together, and I think, again, we share the grief of the loss. We share the tragic event, and we also share the belief that this was really an intentional act, an act of terror that we need to stop in this country.

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

Mr. LEWIS of Georgia. Having no further requests for time, Madam Speaker, I yield the balance of my time to the gentleman from Texas to close.

Mr. DOGGETT. I thank both gentlemen. I want to applaud the remarks of my colleague Mr. MCCAUL, both the remarks that he made here today and the remarks that he made on the afternoon of this tragedy, under what I know was a very stressful situation.

□ 1345

I believe that we share a common purpose here. No one was looking to see which party, a member of the IRS was that day, or what part of the City of Austin. It affected our entire community. I had not used the term earlier, but I must say I also agree with his conclusion that like the much larger-scale tragedy in Oklahoma City, this was an act of domestic terrorism. But let's not quibble over the terms; it was the harm that was done and the promotion of that harm and violence. There is nothing noble about terror. Any expression to the contrary deserves our condemnation.

As I read the statement that the pilot put up on his website, which was a rather confusing diatribe, I noticed particularly his quotation, ''violence not only is the answer, it is the only answer,'' and in response almost immediately, some folks set up a Facebook page and called themselves ''fans'' of this suicide attacker. Sporting a ''Don't Tread on Me'' flag, the so-called ''fan page'' to the murderer misappropriated Thomas Jefferson's famous words that ''the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.'' This resolution soundly rejects, in a bipartisan manner, such appalling tributes.

The patriots were working in the building that day, not working to kill public servants. The heroes were people like Vern Hunter who were doing their job on behalf of their country, not trying to destroy their fellow human beings.

I believe we must turn down the volume on hate if we are to avoid reoccurrence of such baseless terror attacks. In our country, there is room for wide and vigorous political discourse and disagreement—our democracy thrives on it—but there is no room for violence or the dangerous incitement to violence. We get change through the ballot box, not by bullets, not by suicide airplane attacks. Let us speak today with one strong, unequivocal voice renouncing this attack. We reject the path of hate, and we reject the call to violence.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1127.

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. DOGGETT. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

adoption of H. Res. 1126, by the yeas and nays;

motion to suspend the rules on H. Res. 747, by the yeas and nays;

motion to suspend the rules on H. Res. 1096, de novo.

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

PROVIDING FOR CONSIDERATION OF H.R. 4247, PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1126, 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 resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 184, not voting 19, as follows:

[Roll No. 78]

YEAS—228

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

NAYS—184

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier

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

NOT VOTING—19

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Ellison
Eshoo
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
McMahon
Napolitano
Serrano
Sullivan
Turner
Wamp
Wasserman Schultz

□ 1416

Messrs. ROGERS of Alabama and CHILDERS changed their vote from ''yea'' to ''nay.''

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.

Stated for:

Mr. MCMAHON. Madam Speaker, on rollcall No. 78, had I been present, I would have voted "yes."

Ms. ESHOO. Madam Speaker, I was not present during rollcall vote No. 78 on March 3, 2010. I would like the RECORD to reflect how I would have voted:

On rollcall vote No. 78, I would have voted "yes."

CONGRATULATING UNITED STATES MILITARY ACADEMY AT WEST POINT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 747, 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 Georgia (Mr. MARSHALL) that the House suspend the rules and agree to the resolution, H. Res. 747.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 79]

YEAS—416

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

NOT VOTING—15

Barrett (SC)
Butterfield
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Sullivan
Turner
Wamp
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1425

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.

CENSUS AWARENESS MONTH

The SPEAKER pro tempore (Mr. SALAZAR). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1096, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 1096, 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. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 409, noes 1, answered ''present'' 1, not voting 20, as follows:

[Roll No. 80]

AYES—409

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

NOES—1

Paul

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—20

Barrett (SC)
Bilbray
Brown-Waite, Ginny
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Gohmert
Hinojosa
Hoekstra
Jackson Lee (TX)
Kingston
Linder
Pomeroy
Sullivan
Turner
Wamp
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1435

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.

PARLIAMENTARY INQUIRIES

Mr. CARTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. CARTER. Mr. Speaker, the gentleman from New York (Mr. RANGEL) submitted a letter to the Speaker of the House, Nancy PELOSI, that states, ''I request leave of absence from my duties and responsibilities as chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its finding on the review currently underway.''

This morning, that letter to the Speaker was read into the proceedings, and at that time the Speaker pro tem, Ms. SCHAKOWSKY, in accepting the letter stated, ''The resignation is accepted.''

I have a parliamentary inquiry regarding the nature of the resignation. Under this morning's procedure, is Mr. RANGEL the chairman of the Committee on Ways and Means?

The SPEAKER pro tempore. This morning, the House accepted the resignation of the gentleman from New York as chair of the Committee on Ways and Means. He has resigned from the chairmanship of the Committee on Ways and Means.

Mr. CARTER. So does that mean the answer is no, he is not the chairman?

The SPEAKER pro tempore. That is correct.

Mr. CARTER. Further parliamentary inquiry, under House rule X, clause 5(c), which states, ''In the absence of the member serving as chair, the member next in rank (and so on, as often as the case shall happen) shall act as chair.''

Mr. Speaker, under the rules of the House, who is currently the chair of the Committee on Ways and Means?

The SPEAKER pro tempore. In the case to which the inquiry alludes, the member of the committee next in rank is the gentleman from California (Mr. STARK), so he would currently act as chair.

Mr. CARTER. Mr. Speaker, further parliamentary inquiry, under House Resolution 24, the gentleman from California (Mr. STARK) ranks next after Mr. RANGEL on the resolution electing the members of the committee. Under that resolution and by operation of House rule X, clause 5(c), Mr. STARK is currently the chairman of Ways and Means as I understand the answer. Is that correct?

The SPEAKER pro tempore. The gentleman from California is acting chair. Clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

Mr. CARTER. Further parliamentary inquiry, in light of Mr. RANGEL's letter to the Speaker, which states in relevant part that he requests a leave of absence, does reinstating the gentleman from New York (Mr. RANGEL) to the chairmanship of the Committee on Ways and Means require, as a necessary action, the adopting of a resolution by the full House of Representatives electing him as chair?

The SPEAKER pro tempore. The gentleman is stating a hypothetical. The Chair will not comment.

Mr. CARTER. Final parliamentary inquiry, under House rule X, clause 5, does Mr. STARK assume the chairmanship of the Committee on Ways and Means immediately and without any further vote or ratification of the House of Representatives?

The SPEAKER pro tempore. Mr. STARK is acting chair. As the Chair stated before, clause 5(c) of rule X contemplates that the House will again establish an elected chair by adopting a resolution, which typically is produced by direction of the majority party caucus.

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1126, I call up the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the bill is considered read. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 4247

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 ''Preventing Harmful Restraint and Seclusion in Schools Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Physical restraint and seclusion have resulted in physical injury, psychological trauma, and death to children in public and private schools. National research shows students have been subjected to physical restraint and seclusion in schools as a means of discipline, to force compliance, or as a substitute for appropriate educational support.

(2) Behavioral interventions for children must promote the right of all children to be treated with dignity. All children have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any physical restraint or seclusion imposed solely for purposes of discipline or convenience.

(3) Safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings. Staff training focused on the dangers of physical restraint and seclusion as well as training in evidence-based positive behavior supports, de-escalation techniques, and physical restraint and seclusion prevention, can reduce the incidence of injury, trauma, and death.

(4) School personnel have the right to work in a safe environment and should be provided training and support to prevent injury and trauma to themselves and others.

(5) Despite the widely recognized risks of physical restraint and seclusion, a substantial disparity exists among many States and localities with regard to the protection and oversight of the rights of children and school personnel to a safe learning environment.

(6) Children are subjected to physical restraint and seclusion at higher rates than adults. Physical restraint which restricts breathing or causes other body trauma, as well as seclusion in the absence of continuous face-to-face monitoring, have resulted in the deaths of children in schools.

(7) Children are protected from inappropriate physical restraint and seclusion in other settings, such as hospitals, health facilities, and non-medical community-based facilities. Similar protections are needed in schools, yet such protections must acknowledge the differences of the school environment.

(8) Research confirms that physical restraint and seclusion are not therapeutic, nor are these practices effective means to calm or teach children, and may have an opposite effect while simultaneously decreasing a child's ability to learn.

(9) The effective implementation of schoolwide positive behavior supports is linked to greater academic achievement, significantly fewer disciplinary problems, increased instruction time, and staff perception of a safer teaching environment.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) prevent and reduce the use of physical restraint and seclusion in schools;

(2) ensure the safety of all students and school personnel in schools and promote a positive school culture and climate;

(3) protect students from—

(A) physical or mental abuse;

(B) aversive behavioral interventions that compromise health and safety; and

(C) any physical restraint or seclusion imposed solely for purposes of discipline or convenience;

(4) ensure that physical restraint and seclusion are imposed in school only when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; and

(5) assist States, local educational agencies, and schools in—

(A) establishing policies and procedures to keep all students, including students with the most complex and intensive behavioral needs, and school personnel safe;

(B) providing school personnel with the necessary tools, training, and support to ensure the safety of all students and school personnel;

(C) collecting and analyzing data on physical restraint and seclusion in schools; and

(D) identifying and implementing effective evidence-based models to prevent and reduce physical restraint and seclusion in schools.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHEMICAL RESTRAINT.—The term ''chemical restraint'' means a drug or medication used on a student to control behavior or restrict freedom of movement that is not—

(A) prescribed by a licensed physician for the standard treatment of a student's medical or psychiatric condition; and

(B) administered as prescribed by the licensed physician.

(2) EDUCATIONAL SERVICE AGENCY.—The term ''educational service agency'' has the meaning given such term in section 9101(17) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(17)).

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18)).

(4) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)).

(5) MECHANICAL RESTRAINT.—The term ''mechanical restraint'' has the meaning given the term in section 595(d)(1) of the Public Health Service Act (42 U.S.C. 290jj(d)(1)), except that the meaning shall be applied by substituting ''student's'' for ''resident's''.

(6) PARENT.—The term ''parent'' has the meaning given the term in section 9101(31) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(31)).

(7) PHYSICAL ESCORT.—The term ''physical escort'' has the meaning given the term in section 595(d)(2) of the Public Health Service Act (42 U.S.C. 290jj(d)(2)), except that the meaning shall be applied by substituting ''student'' for ''resident''.

(8) PHYSICAL RESTRAINT.—The term ''physical restraint'' has the meaning given the term in section 595(d)(3) of the Public Health Service Act (42 U.S.C. 290jj(d)(3)).

(9) POSITIVE BEHAVIOR SUPPORTS.—The term ''positive behavior supports'' means a systematic approach to embed evidence-based practices and data-driven decisionmaking to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs.

(10) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(11) SCHOOL.—The term ''school'' means an entity—

(A) that—

(i) is a public or private—

(I) day or residential elementary school or secondary school; or

(II) early childhood, elementary school, or secondary school program that is under the jurisdiction of a school, educational service agency, or other educational institution or program; and

(ii) receives, or serves students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education; or

(B) that is a school funded or operated by the Department of the Interior.

(12) SCHOOL PERSONNEL.—The term ''school personnel'' has the meaning—

(A) given the term in section 4151(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(10)); and

(B) given the term ''school resource officer'' in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)).

(13) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given the term in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

(14) SECLUSION.—The term ''seclusion'' has the meaning given the term in section 595(d)(4) of the Public Health Service Act (42 U.S.C. 290jj(d)(4)).

(15) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(16) STATE-APPROVED CRISIS INTERVENTION TRAINING PROGRAM.—The term ''State-approved crisis intervention training program'' means a training program approved by a State and the Secretary that, at a minimum, provides—

(A) evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion;

(B) evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion;

(C) evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management;

(D) first aid and cardiopulmonary resuscitation;

(E) information describing State policies and procedures that meet the minimum standards established by regulations promulgated pursuant to section 5(a); and

(F) certification for school personnel in the techniques and skills described in subparagraphs (A) through (D), which shall be required to be renewed on a periodic basis.

(17) STATE.—The term ''State'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(18) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given the term in section 9101(41) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(41)).

(19) STUDENT.—The term ''student'' means a student enrolled in a school defined in section 11, except that in the case of a private school or private program, such term means a student enrolled in such school or program who receives support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(20) TIME OUT.—The term ''time out'' has the meaning given the term in section 595(d)(5) of the Public Health Service Act (42 U.S.C. 290jj(d)(5)), except that the meaning shall be applied by substituting ''student'' for ''resident''.

SEC. 5. MINIMUM STANDARDS; RULE OF CONSTRUCTION.

(a) MINIMUM STANDARDS.—Not later than 180 days after the date of the enactment of this Act, in order to protect each student from physical or mental abuse, aversive behavioral interventions that compromise student health and safety, or any physical restraint or seclusion imposed solely for purposes of discipline or convenience or in a manner otherwise inconsistent with this Act, the Secretary shall promulgate regulations establishing the following minimum standards:

(1) School personnel shall be prohibited from imposing on any student the following:

(A) Mechanical restraints.

(B) Chemical restraints.

(C) Physical restraint or physical escort that restricts breathing.

(D) Aversive behavioral interventions that compromise health and safety.

(2) School personnel shall be prohibited from imposing physical restraint or seclusion on a student unless—

(A) the student's behavior poses an imminent danger of physical injury to the student, school personnel, or others;

(B) less restrictive interventions would be ineffective in stopping such imminent danger of physical injury;

(C) such physical restraint or seclusion is imposed by school personnel who—

(i) continuously monitor the student face-to-face; or

(ii) if school personnel safety is significantly compromised by such face-to-face monitoring, are in continuous direct visual contact with the student;

(D) such physical restraint or seclusion is imposed by—

(i) school personnel trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)); or

(ii) other school personnel in the case of a rare and clearly unavoidable emergency circumstance when school personnel trained and certified as described in clause (i) are not immediately available due to the unforeseeable nature of the emergency circumstance; and

(E) such physical restraint or seclusion end immediately upon the cessation of the conditions described in subparagraphs (A) and (B).

(3) States and local educational agencies shall ensure that a sufficient number of personnel are trained and certified by a State-approved crisis intervention training program (as defined in section 4(16)) to meet the needs of the specific student population in each school.

(4) The use of physical restraint or seclusion as a planned intervention shall not be written into a student's education plan, individual safety plan, behavioral plan, or individualized education program (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)). Local educational agencies or schools may establish policies and procedures for use of physical restraint or seclusion in school safety or crisis plans, provided that such school plans are not specific to any individual student.

(5) Schools shall establish procedures to be followed after each incident involving the imposition of physical restraint or seclusion upon a student, including—

(A) procedures to provide to the parent of the student, with respect to each such incident—

(i) an immediate verbal or electronic communication on the same day as each such incident; and

(ii) within 24 hours of each such incident, written notification; and

(B) any other procedures the Secretary determines appropriate.

(b) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that schools operated or funded by the Department of the Interior comply with the regulations promulgated by the Secretary under subsection (a).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to promulgate regulations prohibiting the use of—

(1) time out (as defined in section 4(20)); or

(2) devices implemented by trained school personnel, or utilized by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including—

(A) restraints for medical immobilization;

(B) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(C) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; or

(3) handcuffs by school resource officers (as such term is defined in section 4151(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7161(11)))—

(A) in the—

(i) case when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; or

(ii) lawful exercise of law enforcement duties; and

(B) less restrictive interventions would be ineffective.

SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND ENFORCEMENT.

(a) STATE PLAN.—Not later than 2 years after the Secretary promulgates regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall submit to the Secretary a State plan that provides—

(1) assurances to the Secretary that the State has in effect—

(A) State policies and procedures that meet the minimum standards, including the standards with respect to State-approved crisis intervention training programs, established by regulations promulgated pursuant to section 5(a); and

(B) a State mechanism to effectively monitor and enforce the minimum standards;

(2) a description of the State policies and procedures, including a description of the State-approved crisis intervention training programs in such State; and

(3) a description of the State plans to ensure school personnel and parents, including private school personnel and parents, are aware of the State policies and procedures.

(b) REPORTING.—

(1) REPORTING REQUIREMENTS.—Not later than 2 years after the date the Secretary promulgates regulations pursuant to section 5(a), and each year thereafter, each State educational agency shall (in compliance with the requirements of section 444 of the General Education Provisions Act (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g)) prepare and submit to the Secretary, and make available to the public, a report with respect to each local educational agency, and each school not under the jurisdiction of a local educational agency, located in the same State as such State educational agency that includes the information described in paragraph (2).

(2) INFORMATION REQUIREMENTS.—

(A) GENERAL INFORMATION REQUIREMENTS.—The report described in paragraph (1) shall include information on—

(i) the total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(ii) the total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student.

(B) DISAGGREGATION.—

(i) GENERAL DISAGGREGATION REQUIREMENTS.—The information described in subparagraph (A) shall be disaggregated by—

(I) the total number of incidents in which physical restraint or seclusion was imposed upon a student—

(aa) that resulted in injury;

(bb) that resulted in death; and

(cc) in which the school personnel imposing physical restraint or seclusion were not trained and certified as described in section 5(a)(2)(D)(i); and

(II) the demographic characteristics of all students upon whom physical restraint or seclusion was imposed, including—

(aa) the categories identified in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i));

(bb) age; and

(cc) disability status (which has the meaning given the term ''individual with a disability'' in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20))).

(ii) UNDUPLICATED COUNT; EXCEPTION.—The disaggregation required under clause (i) shall—

(I) be carried out in a manner to ensure an unduplicated count of the—

(aa) total number of incidents in the preceding full-academic year in which physical restraint was imposed upon a student; and

(bb) total number of incidents in the preceding full-academic year in which seclusion was imposed upon a student; and

(II) not be required in a case in which the number of students in a category would reveal personally identifiable information about an individual student.

(c) ENFORCEMENT.—

(1) IN GENERAL.—

(A) USE OF REMEDIES.—If a State educational agency fails to comply with subsection (a) or (b), the Secretary shall—

(i) withhold, in whole or in part, further payments under an applicable program (as such term is defined in section 400(c) of the General Education Provisions Act (20 U.S.C. 1221)) in accordance with section 455 of such Act (20 U.S.C. 1234d);

(ii) require a State educational agency to submit, and implement, within 1 year of such failure to comply, a corrective plan of action, which may include redirection of funds received under an applicable program; or

(iii) issue a complaint to compel compliance of the State educational agency through a cease and desist order, in the same manner the Secretary is authorized to take such action under section 456 of the General Education Provisions Act (20 U.S.C. 1234e).

(B) CESSATION OF WITHHOLDING OF FUNDS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that

a State educational agency who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments with respect to the State educational agency under such subparagraph.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority under the General Education Provisions Act (20 U.S.C. 1221 et seq.).

SEC. 7. GRANT AUTHORITY.

(a) IN GENERAL.—From the amount appropriated under section 12, the Secretary may award grants to State educational agencies to assist the agencies in—

(1) establishing, implementing, and enforcing the policies and procedures to meet the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a);

(2) improving State and local capacity to collect and analyze data related to physical restraint and seclusion; and

(3) improving school climate and culture by implementing school-wide positive behavior support approaches.

(b) DURATION OF GRANT.—A grant under this section shall be awarded to a State educational agency for a 3-year period.

(c) APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including information on how the State educational agency will target resources to schools and local educational agencies in need of assistance related to preventing and reducing physical restraint and seclusion.

(d) AUTHORITY TO MAKE SUBGRANTS.—

(1) IN GENERAL.—A State educational agency receiving a grant under this section may use such grant funds to award subgrants, on a competitive basis, to local educational agencies.

(2) APPLICATION.—A local educational agency desiring to receive a subgrant under this section shall submit an application to the applicable State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

(e) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—A local educational agency receiving subgrant funds under this section shall, after timely and meaningful consultation with appropriate private school officials, ensure that private school personnel can participate, on an equitable basis, in activities supported by grant or subgrant funds.

(2) PUBLIC CONTROL OF FUNDS.—The control of funds provided under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(f) REQUIRED ACTIVITIES.—A State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section shall use such grant or subgrant funds to carry out the following:

(1) Researching, developing, implementing, and evaluating strategies, policies, and procedures to prevent and reduce physical restraint and seclusion in schools, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a).

(2) Providing professional development, training, and certification for school personnel to meet such standards.

(3) Carrying out the reporting requirements under section 6(b) and analyzing the information included in a report prepared under such section to identify student, school personnel, and school needs related to use of physical restraint and seclusion.

(g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addition to the required activities described in subsection (f), a State educational agency receiving a grant, or a local educational agency receiving a subgrant, under this section may use such grant or subgrant funds for one or more of the following:

(1) Developing and implementing high-quality professional development and training programs to implement evidence-based systematic approaches to school-wide positive behavior supports, including improving coaching, facilitation, and training capacity for administrators, teachers, specialized instructional support personnel, and other staff.

(2) Providing technical assistance to develop and implement evidence-based systematic approaches to school-wide positive behavior supports, including technical assistance for data-driven decision-making related to behavioral supports and interventions in the classroom.

(3) Researching, evaluating, and disseminating high-quality evidence-based programs and activities that implement school-wide positive behavior supports with fidelity.

(4) Supporting other local positive behavior support implementation activities consistent with this subsection.

(h) EVALUATION AND REPORT.—Each State educational agency receiving a grant under this section shall, at the end of the 3-year grant period for such grant—

(1) evaluate the State's progress toward the prevention and reduction of physical restraint and seclusion in the schools located in the State, consistent with the minimum standards established by regulations promulgated by the Secretary pursuant to section 5(a); and

(2) submit to the Secretary a report on such progress.

(i) DEPARTMENT OF THE INTERIOR.—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of the Interior for activities under this section with respect to schools operated or funded by the Department of the Interior, under such terms as the Secretary of Education may prescribe.

SEC. 8. NATIONAL ASSESSMENT.

(a) NATIONAL ASSESSMENT.—The Secretary shall carry out a national assessment to determine the effectiveness of this Act, which shall include—

(1) analyzing data related to physical restraint and seclusion incidents;

(2) analyzing the effectiveness of Federal, State, and local efforts to prevent and reduce the number of physical restraint and seclusion incidents in schools;

(3) identifying the types of programs and services that have demonstrated the greatest effectiveness in preventing and reducing the number of physical restraint and seclusion incidents in schools; and

(4) identifying evidence-based personnel training models with demonstrated success in preventing and reducing the number of physical restraint and seclusion incidents in schools, including models that emphasize positive behavior supports and de-escalation techniques over physical intervention.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

(1) an interim report that summarizes the preliminary findings of the assessment described in subsection (a) not later than 3 years after the date of enactment of this Act; and

(2) a final report of the findings of the assessment not later than 5 years after the date of the enactment of this Act.

SEC. 9. PROTECTION AND ADVOCACY SYSTEMS.

Protection and Advocacy Systems shall have the authority provided under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043) to investigate, monitor, and enforce protections provided for students under this Act.

SEC. 10. HEAD START PROGRAMS.

(a) REGULATIONS.—The Secretary of Health and Human Services, in consultation with the Secretary, shall promulgate regulations with respect to Head Start agencies administering Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.) that establish requirements consistent with—

(1) the requirements established by regulations promulgated pursuant to section 5(a); and

(2) the reporting and enforcement requirements described in subsections (b) and (c) of section 6.

(b) GRANT AUTHORITY.—From the amount appropriated under section 12, the Secretary may allocate funds to the Secretary of Health and Human Services to assist the Head Start agencies in establishing, implementing, and enforcing policies and procedures to meet the requirements established by regulations promulgated pursuant to subsection (a).

SEC. 11. LIMITATION OF AUTHORITY.

(a) IN GENERAL.—Nothing in this Act shall be construed to restrict or limit, or allow the Secretary to restrict or limit, any other rights or remedies otherwise available to students or parents under Federal or State law or regulation.

(b) APPLICABILITY.—

(1) PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive, or does not serve students who receive, support in any form from any program supported, in whole or in part, with funds appropriated to the Department of Education.

(2) HOME SCHOOLS.—Nothing in this Act shall be construed to—

(A) affect a home school, whether or not a home school is treated as a private school or home school under State law; or

(B) consider parents who are schooling a child at home as school personnel.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 2011 and each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part A of House Report 111–425, if offered by the gentleman from California (Mr. GEORGE MILLER) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The amendment printed in part B of House Report 111–425, if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4247.

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

There was no objection.

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

Mr. Speaker and Members of the House, I rise today in strong support of this bipartisan legislation that will make our classrooms safer for our children and our teachers. But first I would like to tell the story of Cedric. This is a picture of Cedric, who was a young man from Killeen, Texas, who died in his classroom when he was just 14 years of age.

Cedric was living with a foster family after an early childhood filled with abuse. Among other things, his biological family had neglected him by denying him food. Despite knowing this, on the morning he died, Cedric's teacher punished him for refusing to do his work by delaying his lunch for hours. When Cedric tried to leave his classroom to find food, his teacher put him face down in restraint and sat on him in front of his classmates. He repeatedly cried out that he could not breathe. He died minutes later on the classroom floor.

Now I would like to tell you the story of Paige. Paige was a bright, energetic, and happy young girl who started a new school in Cupertino, California. But Paige, who has Asperger's Syndrome, came home from her school the first week with bruises complaining that her teacher hurt her.

Paige's parents confronted the teacher, who denied causing the bruising. She did admit to restraining Paige for simply wiggling a loose tooth. Her parents were shocked to learn later that the teacher had lied and that she had actually held Paige face down and sat on her. Sitting on a 7-year-old for wiggling a loose tooth. Paige barely weighed 40 pounds.

Over the course of many months, Paige was repeatedly abused and injured during restraint incidents until her parents finally pulled her out of the school. She survived, but she still bears the emotional scars of this abuse.

Cedric's and Paige's stories are not isolated incidents in America's schools today. Last May, the Government Accountability Office told our committee about the shocking wave of abuse of children in our public and private schools. This abuse was happening at the hands of untrained school staff who were misusing restraint and seclusion.

Hundreds of students across the U.S. have been victims of this abuse. These victims include students with disabilities and students without disabilities. Many of these victims were children as young as 3 and 4 years of age. In some cases, children died.

Restraint and seclusion are complicated practices. They are emergency interventions that should be used only as a last resort and only by trained professionals. But GAO found that too often these techniques are being used in schools under the guise of discipline or convenience.

Last year, in my home State of California, there were more than 14,300 cases of seclusion, restraint, and other ''emergency interventions.'' We don't know how many of these cases were actual emergencies.

We have Federal laws in place to prevent these types of abuses from happening in hospitals and other community-based facilities that receive Federal funding, but currently there are no Federal laws on the books to protect children from these abuses in the schools, where they spend most of their time.

Without a Federal standard, State policies and oversight, they vary widely, leaving children vulnerable. Of the 31 States that have established some law or regulation, many are not comprehensive in approach and several only address restraint or address seclusion, not necessarily both.

□ 1445

For example, in one State there are rules only for children enrolled in pre-K. In another, only children with autism are protected. In yet another example, only residential schools are covered. Many States allow restraints or seclusion in nonemergency situations, simply to protect property or to maintain order. No child should be subject to these extreme interventions for simple noncompliance, like the 7-year-old who died after being restrained for blowing bubbles in her milk.

Mr. Speaker, when these abuses occur, it isn't just the individual victim who suffers. It hurts their classmates who witness these traumatizing events. It undermines the vast majority of teachers and staff who are trying to give students a quality education. It's a nightmare for everyone involved. We are here today to try and end this nightmare. We are here today to make sure that no other children suffer the same fate as Cedric and Paige. The Keeping All Students Safe Act will ensure that all children are safe and protected in schools.

This bill takes a balanced approach to addressing a very serious problem. For the first time, it will establish minimum safety standards for schools, similar to Federal protections in place for children in other facilities. Under this legislation, physical restraint and seclusion can only be used to stop imminent danger of injury. The bill prohibits mechanical restraints, such as strapping children to their chairs or duct-taping parts of their bodies, and any restraint that restricts their breathing. It also prohibits chemical restraints, using medication to control behavior without a doctor's prescription. The bill also will require students to notify parents after a restraint or seclusion incident so that parents don't learn about these abuses from whistleblowing teachers or from their own children's bruises.

Mr. Speaker, we all agree that teachers play the single most important role in helping students grow, thrive, and succeed. Teachers support this bill because it focuses on keeping both students and staff safe, giving teachers the support they need do their jobs. It asks States to ensure that enough personnel are properly trained to keep both students and staff safe and encourages the schools to implement positive approaches to managing these behavioral issues.

Mr. Speaker, I'm very proud that we worked on this legislation in a bipartisan way. I want to thank Congresswoman CATHY MCMORRIS RODGERS for her leadership, her diligence, her persuasion, and her hard work in fashioning this legislation. I would also like to thank the National Disability Rights Network for bringing this abuse to our attention; the National School Boards Association; and more than a hundred other organizations for their support.

Everyone in this Chamber can agree that nothing is more important than keeping our children safe. It's time to try to end this abuse. I believe that this legislation will go a long way in setting the standard and showing States the way, and hopefully in the next 2 years the States will develop their own standards that at least meet these minimum standards of not depriving these children of the cushion of safety that they are entitled to and that their parents and family expect when they go to school on a daily basis.

So I would like to once again remind us of what happened to Cedric and to Paige at their age; their vulnerabilities, their history, and what happened to them one day when they went to school.

I reserve the balance of my time.

Mr. KLINE of Minnesota. I rise today in opposition to H.R. 4247, and I yield myself such time as I may consume.

Let me begin by stating unequivocally that the incidents uncovered by the GAO are unacceptable. No child should be put in physical danger by the use of seclusion or restraints in school. The tragic stories just related by the chairman of Cedric and Paige are unacceptable everywhere.

In each of the cases reviewed by the GAO, there was a criminal conviction, a finding of civil or administrative liability, or a large financial settlement. In other words, everyone agrees that what happened is simply wrong. We do not need a change in Federal law for such behavior to be condemned. Sometimes the most powerful tool we have as elected officials is the bully pulpit, and Chairman MILLER and Mrs. MCMORRIS RODGERS have certainly availed themselves of it. They have worked hard to call national attention to the misuse of seclusion and restraints in our schools.

States clearly recognize the need to proactively limit the use of these disciplinary tools. Today, 31 States have policies and procedures in place to govern when and how seclusion or restraint techniques may or may not be used. Another 15 States will have such protections in place in the near future. Many, many independent school districts and school boards have such procedures in place.

The question today is: Who is best equipped to create and enforce those

policies? To answer that question, I would point to a letter from the Council of the Great City Schools, which States, ''Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of Federal law.'' In fact, until recently, the U.S. Department of Education was not even collecting data on the use of seclusion and restraint tactics in schools. The Department has no experience or expertise regulating in this area. Yet, H.R. 4247 would establish a new, one-size-fits-all Federal framework that overrules the work of these States.

I will include the letter from the Council of the Great City Schools in the RECORD, along with letters from the U.S. Conference of Catholic Bishops, the American Association of School Administrators, the Council for American Private Education, the American Association of Christian Schools, the Association of Christian Schools International, and the National Conference of State Legislatures.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
Arlington, VA, March 2, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The American Association of School Administrators, representing more than 13,000 school administrators and local educational leaders, would like to express serious concerns with HR 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, which is expected to be considered in the next few days. We ask that the voices of rank-and-file teachers, principals, superintendents and school board members be heard and that HR 4247, as reported from Committee, be defeated.

The need to establish these particular federal regulations for seclusion and restraint has not been established by objective, carefully gathered and analyzed data. For example, the report by the National Disability Rights Network upon which HR 4247 partially relies mixes data from regular public schools with data from schools for children with serious behavioral disorders and institutions for students who are regularly violent. Further, the incidents took place over an unknown period of time—perhaps a decade or more. It seems to us that most of those cases took place in settings serving either the small percentage of students with serious behavior disorders or the even smaller percentage of students who are a violent danger to themselves or others. Finally, the NDN report counts incidents of seclusion and restraint without noting whether those events took place over a decade or some other time period.

The Office of Civil Rights within the U.S. Department of Education is preparing to gather more objective information this coming school year. We urge the House to await objective, uniformly reported and analyzed data from OCR before acting. Based on experience, we are sure that a student in a regular public school is extremely unlikely to be physically harmed, secluded in a windowless room, taped to a chair or handcuffed to a fence by a teacher or administrator. Just how unlikely such events are is unknown because objective, uniformly gathered and analyzed data simply are not available.

In addition, the report recently released by the U.S. Department of Education states that 31 states currently have policies in place to oversee the use of seclusion and restraint and 15 states are in the process of adopting policies and protections. Given this massive state action, AASA questions the need for federal involvement on this issue.

Reviews of HR 4247 by state-based teacher, administrator and school board associations have identified a number of serious flaws, which they have raised to their congressional delegations, but so far their voices have not been included in the discussions.

HR 4247 includes a prohibition against including seclusion and restraint in the Individualized Education Plan (IEP) or behavioral plan. The IEP and behavioral plans are the communication platform for parents and school staff to discuss the students' needs and corresponding school interventions. Prohibiting the inclusion of seclusion and restraint in the IEP or behavioral plans where past behavior clearly indicates a need will only lead to further conflicts and misunderstandings between parents and school staff.

The Protection and Advocacy agencies are given broad undefined authority to enforce the new law. P&A agencies have long monitored and investigated on behalf of disabled students, but enforcement is new. Enforcement of federal law has been the sole responsibility of state or federal agencies. A bigger problem for school systems is that the meaning of enforcement is undefined. For example, does the enforcement authority permit P&A staff to enter schools without checking in with appropriate school personnel? Arrest authority? Authority to change school policy on the spot?

HR 4247's prohibition against mechanical restraints is too broad and could prevent appropriate use of restraints in emergency situations where students must be restrained to protect themselves and others.

This legislation applies to both the special education and regular education populations, and thus raises mandate training and reporting costs for school districts. These increased fiscal and operational burdens are accompanied by minuscule authorization and few prospects for an appropriation. A huge, new, unfunded mandate is difficult to justify at a time when schools are cutting teaching staff and stretching resources to balance budgets.

HR 4247 also prescribes a debriefing session for school personnel and parents within 72 hours of the use of seclusion or restraint, to address documentation of the antecedents to the restraint or seclusion and prevention planning (although it cannot involve the IEP). School staff are already over-committed in their daily schedules. Imposing short, mandatory timelines for extensive meetings will likely result in the cancellation of other instructional commitments or missed timelines and new litigation.

Finally, the tone of HR 4247 is relentlessly negative toward teachers and administrators. This tone indicting all teachers and administrators is unwarranted by plain observation, is unsupported by any credible data and should be eliminated. AASA is certain that every member of the House knows at least one teacher or administrator who has dedicated his or her professional life to the education and development of children and who has never restrained or secluded a single student, even if his or her career spanned over 40 years.

Thank you for your consideration. If there are any questions, please do not hesitate to contact me for further discussion of this important issue.

Yours truly,

DAN DOMENECH,
Executive Director.

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, DC, March 1, 2010.

HOUSE OF REPRESENTATIVES,
Washington DC.

Subject: HR 4247—Restraint and Seclusion bill.

DEAR REPRESENTATIVE: It is unusual that the Council of the Great City Schools, the coalition of the nation's largest central city school districts, cannot support an education-related bill pending before the House of Representatives, but H.R. 4247, the restraint and seclusion bill, is not supportable in its current form. The bill is overly broad and will override numerous state and local policies that already address this issue and will do so in ways that will be hard to predict.

Every injury to a student in school is a matter of serious concern, but all such incidents are not necessarily matters of federal law. Testimony before the Education and Labor Committee clearly points out that the extent of the use of inappropriate restraints and seclusion in schools could not be specifically determined. The Government Accountability Office (GAO) report provided only ten case studies—three of which involved incidents occurring between ten and fifteen years ago; two involved residential facilities that were not regular public schools; and one involved a school volunteer. The National Disability Rights Network study in January 2009 provided information on multiple incidents, but failed to cite either the year or the decade of the occurrence. In recognition of the limited data on the scope of inappropriate restraints and seclusion, the U.S. Department of Education has undertaken a formal data-collection initiative that may provide more up-to-date information on this issue. The Council suggests that it is premature for Congress to act until the Department's data collection effort is complete. At that time, depending on the results, the Council may revise its position.

Moreover, the requirements in the pending bill present serious concerns for the thousands of school districts and school officials, including school board members, charged with the responsibility of and subject to the potential liability of implementing the federally-crafted definitions and assurances. Section 9 of the bill will subject the nation's schools to an extraordinary outsourcing of investigations, monitoring, and enforcement actions to protection and advocacy attorneys under the Developmental Disabilities Act, in addition to oversight and enforcement by each state educational agency and the U.S. Department of Education—a new authority likely to result in additional disputes and litigation that may involve any student or employee, as well as contractors, service providers, other agencies, and potentially on-site community services and volunteers.

The Council also questions the assignment of policies, procedures, and requirements currently applicable to psychiatric hospitals, mental health programs, and medical facilities onto the nation's elementary, secondary and pre-schools, which are not designed, equipped, or staffed to implement these requirements, and are often excluded from the federal mental health funding or Medicaid reimbursements for related services that could assist in implementation. All current state and local restraint and seclusion laws, policies, guidelines, and procedures will have to be reviewed and aligned with this federal legislation.

In addition, H.R. 4247 mandates, without funding, a major training and certification program in order to comply with the proposed legislation. Again, the nation's schools

will have to train and state-certify an unspecified number of personnel and then periodically re-certify each one. Moreover, this bill requires that each of these individuals from every school receive first aid and CPR training—an entirely new federal requirement for schools and one not directly related to restraints and seclusion. School responsibilities for training and certification extend to school contractors as well.

The Council is unable to adequately project how many school employees and service providers would have to be trained and certified in restraint and seclusion techniques, conflict resolution, first aid, and CPR in schools serving thousands of students. This broad unfunded mandate would be questionable under the best of circumstances, but in the current economic environment, where schools are laying off thousands of teachers and other support staff and seeing class sizes rise, such new federal requirements are also untimely.

Congress could achieve the same basic objective by requiring local school districts and/or state educational agencies to adopt, implement and monitor policies for appropriate and restricted use of restraints and seclusion in disruptive, violent, and emergency circumstances—much like the federal gun-free schools policy or school prayer policy.

Appropriate restraint and seclusion policies, restrictions, and procedures are already in widespread use among the Great City Schools and a large number of states, though few if any as wide-ranging as H.R. 4247. The Council suggests that a bill requiring the limited number of states and/or other school districts without such policies to adopt and implement restraint and seclusion policies would likely garner broader support from school officials. We have offered to assist in developing such legislation that would be more workable. However, we cannot support H.R. 4247 as currently crafted.

Sincerely,

JEFFREY A. SIMERING,
Director of Legislative Services.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
March 3, 2010.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

The National Conference of States Legislatures (NCSL), representing state legislators in the nation's 50 states, commonwealths and territories, is deeply troubled by the federal preemption of state policy in the Preventing Harmful Restraint and Seclusion in Schools Act (HR 4247).

HR 4247 is a well intended effort by the U.S. House of Representatives that ignores the leadership and progress made by states to protect students from harm during seclusion and restraint. Furthermore, the need to establish the federal regulations identified in the legislation is not supported by objective or carefully analyzed research. The U.S. Department of Education is in the process of gathering such information in the coming school year, and we strongly urge the House to allow this process to be completed and to make an informed decision based on sound research to determine whether federal legislation is needed to address this issue.

According to the U.S. Department of Education, 31 states currently have policies in place to oversee the use of seclusion and restraint with another 15 in the process of adopting similar policies and protections. HR 4247 would preempt these efforts in favor of federal guidelines that have little basis in research and would require states to adopt them within two years irrespective of the varying conditions in the states and without any consideration given to the costs associated with compliance.

State legislators, who have the constitutional responsibility to establish and fund the nation's system of public education, are concerned about another unfunded mandate and continued federal overreach into the daily operations of schools. HR 4247 is the latest example of this approach. The National Conference of State Legislators urges members of the U.S. House of Representatives to vote against HR 4247.

Sincerely,

Representative LARRY M. BELL,
Chair, Education Committee, North Carolina General Assembly; Chair, NCSL Standing Committee on Education.

COUNCIL FOR AMERICAN PRIVATE EDUCATION,
February 17, 2010.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Council for American Private Education (CAPE), a coalition of 18 major national organizations (listed left) and 32 state affiliates that serve religious and independent PK–12 schools, writes to express strong concerns regarding H.R. 4247. At the start, we must be clear that as a matter of ethical principle, moral law, and basic human decency, the private school community is unreservedly committed to the safety and well-being of students. Parents willingly entrust the education and care of a child to a religious or independent school because they know the school will act to ensure the child's best interests. Thus, with respect to the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose.

CAPE is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., ''a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely''). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) specifying when and under what circumstances and by whom such ordinary, protective action may lawfully be carried out could effectively serve to inhibit such instinctively shielding behavior by causing the adult to hesitate or second-guess herself out of fear she might be violating federal law. Hesitation in such circumstances could be dangerous.

Our read of this bill is that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions.

Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious and independent schools.

The class of schools that would be affected by this bill is broad. Based on the definition of ''school'' found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA.

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state (see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious and independent schools for any reason.

Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of ''physical restraint'' encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide the data, since states are obligated to report on the number of instances ''for each local educational agency and each school not under the jurisdiction of a local educational agency.''

Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above.

We urge you to oppose this legislation unless it is amended to address these important concerns.

Sincerely,

JOE MCTIGHE,
Executive Director.

AMERICAN ASSOCIATION OF CHRISTIAN SCHOOLS,
March 2, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The American Association of Christian Schools writes to express concern over H.R. 4247, ''Preventing Harmful Restraint and Seclusion in Schools Act.'' The goal of the bill—to protect children from suffering abuse at the hands of the educators—is a point of strong agreement that we share with the sponsors. Our schools are committed to providing safe environments for their students, and as a national organization, AACS is supportive of efforts to ensure that children are protected and free from harm.

As the bill has moved through the Education and Labor Committee and to the House Floor, we have appreciated the opportunity for many discussions on how best to protect all students and still maintain protections for private schools against unwarranted federal intrusion. We appreciate the efforts to mitigate the effect of this bill on private education, and we are grateful for the inclusion of language that does specify protection for those private schools which do not receive federal funds.

However, we are concerned that there still may be unintended negative consequences for those private schools whose teachers or students may be benefiting from a federal education program. It seems that the language of the bill opens the door for these schools to become subject to training and reporting requirements of the government: For example, a school which receives instructional materials or professional development services under any ESEA title could be subject to the regulations set forth in this bill. Further, any school who serves a Title I student could also be required to adhere to the reporting and training requirements. While private school regulation may not be the intention of the bill, this could set a dangerous precedent for future federal regulation of private education.

Private schools, including our Christian schools, have enjoyed marked success in providing excellent education for students of all ages and abilities. Their freedom and ability to maintain their autonomy contributes greatly to this success, and the opportunities that thereby are provided for the students. The language of H.R. 4247 seems to set unwarranted intrusion of the federal government into this autonomy.

We believe the intent of the sponsors of this bill was not to establish federal intrusion on private schools; however, we are concerned that this will be an unintended consequence. For this reason, we cannot support the bill. We appreciate your consideration of our concerns.

Sincerely,

KEITH WIEBE,
President, American Association of Christian Schools.

COMMITTEE ON CATHOLIC EDUCATION,
February 25, 2010.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: As Chairman of the Committee on Catholic Education of the United States Conference of Catholic Bishops I wish to acknowledge the efforts of the Members of the House Education and Labor Committee to reduce the use of harmful and dangerous restraint and seclusion in schools. We agree completely with your desire to protect and enhance the safety and well-being of all students enrolled in both public and private schools.

However, we must urge you to vote against H. 4247 in its present form.

We believe it would be unprecedented and intrusive for the Federal government to involve itself in some of the activities that would be required by H.R.4247, such as:

Sec. 3(5)(C)—collecting and analyzing data from private schools;

Sec. 4(11)(A)(II)(ii)—extending the requirements of this legislation to every private school which has even one student or one teacher participating in a program administered by the U.S. Department of Education; and

Sec. 5(a)—requiring school personnel to be certified in crisis intervention, although federal education law has never before imposed certification requirements on private school educators.

It is clear from the language of ESEA and IDEA that it was Congress' intent, and properly so, to avoid federal involvement in the internal administration of private (non-public) schools. By ignoring that principle, H.R. 4247 in its present form crosses a dangerous line, without any demonstrated need to do so. The only private schools cited in the report of the U.S. Government Accountability Office (GAO–09–719T) that apparently led to the drafting of H.R. 4247 were either residential facilities or schools which served emotionally disturbed teens.

I urge you to alter the scope of this unnecessarily intrusive legislation so that it focuses directly on the dangerous types of situations referenced in the GAO report, rather than imposing intrusive and onerous data collection, coverage, and certification requirements on private schools.

Sincerely,

Most Reverend THOMAS J. CURRY,
Auxiliary Bishop of Los Angeles; Chairman, USCCB Committee on Catholic Education.

ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL.

Re H.R. 4247, Preventing Harmful Restraint and Seclusion in Schools Act.

Hon. MEMBERS OF THE HOUSE OF REPRESENTATIVES: The Association of Christian Schools International, an active member of the Council for American Private Education (CAPE), writes to express strong concerns regarding H.R. 4247. ACSI must be clear that as a matter of ethical principle, biblical mandates, and basic human decency, the Christian school community is unreservedly committed to the safety and well-being of our students. Parents willingly entrust the education and care of a child to our religious schools because they know the school will act to ensure the child's best interests. Thus, with respect to the bill's intent to protect children from harm, we stand in solidarity with the sponsors. Our disagreement is with specific provisions of the bill, not its overall purpose(s).

ACSI is deeply concerned about the possible adverse effects the bill could have on the welfare of students. The neighborhood and community schools we represent are likely to experience the reach of this legislation in ordinary and typical encounters: a teacher breaking up a schoolyard dustup, a coach holding back two hot-tempered players, an aide grabbing a child about to dart into the carpool lane at dismissal. Under such circumstances, competent professionals instinctively apply physical restraint in order to protect a child from imminent danger—restraint that meets the definition referenced in the bill (i.e., ''a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely''). Yet the burden of this legislation, with its array of conditions and clauses (see section 5(a)) could lead an adult to hesitate or hold back out of fear of violating this federal law. Such hesitation could be dangerous.

We agree with CAPE's read of this bill, that it was intended to address a narrow set of special-purpose schools and circumstances in which students are restrained or secluded for an extensive period of time in connection with an institution's inappropriate disciplinary practice or policy. But the schools we represent do not fall in that category and would be inadvertently affected by the bill's far-reaching provisions. Another serious concern we have is that this legislation would impose an unprecedented degree of federal mandates on religious schools. The class of schools that would be affected by this bill is broad. Based on the definition of ''school'' found in section 4(11), a religious school with even a single student receiving math or reading instruction under Title I of the Elementary and Secondary Education Act (ESEA) would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title. The U.S. Department of Education reported in 2007 that a full 80 percent of Catholic schools across the country participate in one or more programs under ESEA, (aka: ''No Child Left Behind'').

What requirements would apply to affected schools? First, they would have to have one or more teachers trained and certified under a state-approved training program, as defined in section 4(16). The required number of trained teachers for each school would be determined by the state(see section 5(a)(3)). In the history of education legislation, the federal government has never imposed training or certification requirements on neighborhood religious or independent schools for any reason. Second, they would have to comply with the annual reporting requirements involving disaggregated demographic data on the number of incidents in which physical restraint or seclusion was imposed upon a student. (And keep in mind that the bill's cross-referenced definition of ''physical restraint'' encompasses the ordinary occurrences described above.) Although states are required to file the reports described in section 6(b), schools themselves would have to provide the data, since states are obligated to report on the number of instances ''for each local educational agency and each school not under the jurisdiction of a local educational agency.'' Third, and most important, they would have to comply with the school-related provisions of the law that, in our judgment, could have the unintended adverse effects on the health and safety of students described above. We urge you to oppose this legislation unless it is amended to address these important and draconian concerns.

Sincerely,

Rev. JOHN C. HOLMES,
ACSI Director of Government Affairs.

Taken together, the concerns raised by these groups paint a picture of premature legislating and Federal overreach, in essence, attempting to solve a problem we do not fully understand in a way that could actually make it more difficult for teachers to keep their classrooms safe.

I'm especially concerned that H.R. 4247 would extend its new system of mandates into private schools. Historically, independent schools have been free from the Federal mandates attached to Federal education dollars. Private school teachers are entitled to services, but no direct funding, under the Individuals with Disabilities Education Act and other laws. Yet, under H.R. 4247, schools whose students receive services would be subject to the same prescriptive rules on the use of seclusion and restraints, despite the fact that these private schools receive no Federal funding. This is a major departure from longstanding Federal education policy.

The Council for American Private Education explains it this way: ''A religious school with even a single student receiving math or reading instruction under title 1 of the Elementary and Secondary Education Act would be subject to all the provisions of this bill, as would a school receiving a single piece of instructional material or professional development for a single teacher under any other ESEA title.''

Another likely consequence of H.R. 4247 is increased litigation. The bill's vague and overly broad language is an invitation to trial lawyers who will eagerly take every opportunity to sue school districts who grapple with confusing and stringent new requirements. H.R. 4247 creates a climate of legal dispute by expanding the role of the protection and advocacy system of State-based trial lawyers, a clear recognition that seclusion and restraint are to become litigation magnets. In fact, there's a very real danger that schools will stop addressing safety issues entirely out of fear they could be sued. Instead, schools may resort to law enforcement to manage physically disruptive or threatening students. This will mean fewer students in the classroom and more students in police handcuffs.

Mr. Speaker, it is clear that teachers and school leaders need training and guidance on how to keep classrooms safe. Seclusion and restraint are never the first choice for promoting positive behavior, but if they must be used, they must be used safely. It is just as clear that States, and not the Federal Government, should take the lead on developing and implementing these policies.

H.R. 4247 is a bill with good intentions, but at the end of the day it is simply not the most direct and effective way to keep our classrooms safe.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to a member of the committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. First of all, I want to thank the chairman of the Education and Labor Committee, Mr. MILLER, for his leadership on this legislation.

The hearing which was held at the Education and Labor Committee was one of the most stunning, amazing, eye-opening events, I think, of this Congress. The bipartisanship which came together after that hearing to craft this legislation, again, I think is a testament to your leadership and the bipartisanship that you have created on that committee.

Mr. Speaker, back in 1998, The Hartford Courant won a Pulitzer Prize for a four-part investigation of seclusion and restraint all across the country. The name of the series was ''A Nationwide Pattern of Death,'' which I'd like to offer a copy of for the RECORD, and which, again, in chapter and verse, laid out the shocking, uneven application of this type of force against America's schoolchildren. In Connecticut, it actually resulted in action in terms of legislation which was put into place. Many of the minimum standards which are included in the legislation we're voting on today were incorporated into that measure. But, clearly, as a Nation, we have much more work to be done.

[From the Hartford Courant, Oct. 11, 1998]

A NATIONWIDE PATTERN OF DEATH

(By Eric Weiss)

Roshelle Clayborne pleaded for her life.

Slammed face-down on the floor, Clayborne's arms were yanked across her chest, her wrists gripped from behind by a mental health aide.

I can't breathe, the 16-year-old gasped.

Her last words were ignored.

A syringe delivered 50 milligrams of Thorazine into her body and, with eight staffers watching, Clayborne became, suddenly, still. Blood trickled from the corner of her mouth as she lost control of her bodily functions. Her limp body was rolled into a blanket and dumped in an 8-by-10-foot room used to seclude dangerous patients at the Laurel Ridge Residential Treatment Center in San Antonio, Texas.

The door clicked behind her.

No one watched her die.

But Roshelle Clayborne is not alone. Across the country, hundreds of patients have died after being restrained in psychiatric and mental retardation facilities, many of them in strikingly similar circumstances, a Courant investigation has found.

Those who died were disproportionately young. They entered our health care system as troubled children. They left in coffins.

All of them died at the hands of those who are supposed to protect, in places intended to give sanctuary.

If Roshelle Clayborne's death last summer was not an isolated incident, neither were the recent deaths of Connecticut's Andrew McClain or Robert Rollins.

A 50-state survey by The Courant, the first of its kind ever conducted, has confirmed 142 deaths during or shortly after restraint or seclusion in the past decade. The survey focused on mental health and mental retardation facilities and group homes nationwide.

But because many of these cases go unreported, the actual number of deaths during or after restraint is many times higher.

Between 50 and 150 such deaths occur every year across the country, according to a statistical estimate commissioned by The Courant and conducted by a research specialist at the Harvard Center for Risk Analysis.

That's one to three deaths every week, 500 to 1,500 in the past decade, the study shows.

''It's going on all around the country,'' said Dr. Jack Zusman, a psychiatrist and author of a book on restraint policy.

The nationwide trail of death leads from a 6-year-old boy in California to a 45-year-old mother of four in Utah, from a private treatment center in the deserts of Arizona to a public psychiatric hospital in the pastures of Wisconsin.

In some cases, patients died in ways and for reasons that defy common sense: a towel wrapped around the mouth of a 16-year-old boy; a 15-year-old girl wrestled to the ground after she wouldn't give up a family photograph.

Many of the actions would land a parent in jail, yet staffers and facilities were rarely punished.

''I raised my child for 17 years and I never had to restrain her, so I don't know what gave them the right to do it,'' said Barbara Young, whose daughter Kelly died in the Brisbane Child Treatment Center in New Jersey.

The pattern revealed by The Courant has gone either unobserved or willfully ignored by regulators, by health officials, by the legal system.

The federal government—which closely monitors the size of eggs—does not collect data on how many patients are killed by a procedure that is used every day in psychiatric and mental retardation facilities across the country.

Neither do state regulators, academics or accreditation agencies.

''Right now we don't have those numbers,'' said Ken August of the California Department of Health Services, ''and we don't have a way to get at them.''

The regulators don't ask, and the hospitals don't tell.

As more patients with mental disabilities are moved from public institutions into smaller, mostly private facilities, the need for stronger oversight and uniform standards is greater than ever.

''Patients increasingly are not in hospitals but in contract facilities where no one has the vaguest idea of what is going on,'' said Dr. E. Fuller Torrey, a nationally prominent psychiatrist, author and critic of the mental health care system.

Because nobody is tracking these tragedies, many restraint-related deaths go unreported not only to the government, but sometimes to the families themselves.

''There is always some reticence on reporting problems because of the litigious nature of society,'' acknowledged Dr. Donald M. Nielsen, a senior vice president of the American Hospital Association. ''I think the question is not one of reporting, but making sure there are systems in place to prevent these deaths.''

Typically, though, hospitals dismiss restraint-related deaths as unfortunate flukes, not as a systemic issue. After all, they say, these patients are troubled, ill and sometimes violent.

The facility where Roshelle Clayborne died insists her death had nothing to do with the restraint. Officials there say it was a heart condition that killed the 16-year-old on Aug. 18, 1997.

Bexar County Medical Examiner Vincent DiMaio ruled that Clayborne died of natural causes, saying that restraint use was a separate ''clinical issue.''

But that, too, is typical in restraint cases. Medical examiners rarely connect the circumstances of the restraint to the physical cause of death, making these cases impossible to track through death certificates.

The explanations don't wash with Clayborne's grandmother.

''I'll picture her lying on that floor until the day I die,'' Charlene Miles said. ''Roshelle had her share of problems, but good God, no one deserves to die like that.''

With nobody tracking, nobody telling, nobody watching, the same deadly errors are allowed to occur again and again.

Of the 142 restraint-related deaths confirmed by The Courant's investigation:

Twenty-three people died after being restrained in face-down floor holds.

Another 20 died after they were tied up in leather wrist and ankle cuffs or vests, and ignored for hours.

Causes of death could be confirmed in 125 cases. Of those patients, 33 percent died of asphyxia, another 26 percent died of cardiac-related causes.

Ages could be confirmed in 114 cases. More than 26 percent of those were children—nearly twice the proportion they constitute in mental health institutions.

Many of the victims were so mentally or physically impaired they could not fend for themselves. Others had to be restrained after they erupted violently, without warning and for little reason.

Caring for these patients is a difficult and dangerous job, even for the best-trained workers. Staffers can suddenly find themselves the target of a thrown chair, a punch, a bite from an HIV-positive patient.

Yet the great tragedy is that many of the deaths could have been prevented by setting

standards that are neither costly nor difficult: better training in restraint use; constant or frequent monitoring of patients in restraints; the banning of dangerous techniques such as face-down floor holds; CPR training for all direct-care workers.

''When you look at the statistics and realize there's a pattern, you need to start finding out why,'' said Dr. Rod Munoz, president of the American Psychiatric Association, when told of The Courant's findings. ''We have to take action.''

Mental health providers, who treat more than 9 million patients a year at an annual cost of more than $30 billion, judge themselves by the humanity of their care. So the misuse of restraints—and the contributing factors, such as poor training and staffing—offers a disturbing window into the overall quality of the nation's mental health system.

For their part, health care officials say restraints are used less frequently and more compassionately than ever before.

''When it comes to restraints, the public has a picture of medieval things, chains and dungeons,'' said Dr. Kenneth Marcus, psychiatrist in chief at Connecticut Valley Hospital in Middletown. ''But it really isn't. Restraints are used to physically stabilize patients, to prevent them from being assaultive or hurting themselves.''

But in case after case reviewed by The Courant, court and medical documents show that restraints are still used far too often and for all the wrong reasons: for discipline, for punishment, for the convenience of staff.

''As a nation we get all up in arms reading about human rights issues on the other side of the world, but there are some basic human rights issues that need attention right here at our back door,'' said Jean Allen, the adoptive mother of Tristan Sovern, a North Carolina teen who died after aides wrapped a towel and bed sheet around his head.

Others have a simple explanation for the lack of attention paid to deaths in mental health facilities.

''These are the most devalued, disenfranchised people that you can imagine,'' said Ron Honberg, director of legal affairs for the National Alliance of the Mentally Ill. ''They are so out of sight, so out of mind, so devoid of rights, really. Who cares about them anyway?''

Few seemed to care much about Roshelle Clayborne at Laurel Ridge, where she was known as a ''hell raiser.''

But Clayborne had made one close friendship—with her roommate, Lisa Allen. Allen remembers showing Clayborne how to throw a football during afternoon recess on that summer afternoon in 1997.

''She just couldn't seem to get it right and she was getting more and more frustrated. But I told her it was OK, we'd try again tomorrow,'' said Allen, who has since rejoined her family in Indiana.

Within three hours, Clayborne was dead.

She had attacked staff members with pencils. And staffers had a routine for hell raisers.

''This is the way we do it with Roshelle,'' a worker later told state regulators. ''Boom, boom, boom: [medications] and restraints and seclusion.''

After she was restrained, Roshelle Clayborne lay in her own waste and vomit for five minutes before anyone noticed she hadn't moved. Three staffers tried in vain to find a pulse. Two went looking for a ventilation mask and oxygen bag, emergency equipment they never found.

During all this time, no one started CPR.

''It wouldn't have worked anyway,'' Vanessa Lewis, the licensed vocational nurse on duty, later declared to state regulators.

By the time a registered nurse arrived and began CPR, it was too late. Clayborne never revived.

In their final report on Clayborne's death, Texas state regulators cited Laurel Ridge for five serious violations and found staff failed to protect her health and safety during the restraint. They recommended Laurel Ridge be closed.

Instead, the state placed Laurel Ridge on a one-year probation in February and the center remains open for business. In a prepared statement, Laurel Ridge said it has complied with the state's concerns—and it pointed out the difficulty in treating someone with Clayborne's background.

''Roshelle Clayborne, a ward of the state, had a very troubled and extensive psychiatric history, which is why Laurel Ridge was chosen to treat her,'' the statement said. ''Roshelle's death was a tragic event and we empathize with the family.''

With no criminal prosecution and little regulatory action, the Clayborne family is now suing in civil court. The Austin chapter of the NAACP and the private watchdog group Citizens Human Rights Commission of Texas are asking for a federal civil rights investigation into the death of Clayborne.

Medications and restraint and seclusion.

Clayborne's friend, Lisa Allen, knew the routine well, too.

For six years, Allen, now 18, lived in mental health facilities in Indiana and Texas, where her explosive personality would often boil over and land her in trouble.

By her own estimate, Allen was restrained ''thousands'' of times and she bears the scars to prove it: a mark on her knee from a rug burn when she was restrained on a carpet; the loss of part of a birthmark on her forehead when she was slammed against a concrete wall.

Exactly two weeks after Roshelle Clayborne's death, Lisa Allen found herself in the same position as her friend.

The same aide had pinned her arms across her chest. Thorazine was pumped into her system. She was deposited in the seclusion room.

''It felt like my lungs were being squished together,'' Allen said.

But Lisa Allen was one of the lucky ones. She survived.

The fact of the matter is that today, 19 States have no laws or regulations related to the use of seclusion or restraints in school. Seven States place some restrictions on restraint, but do not regulate seclusions. That's within the 31 that was referred to by Mr. KLINE. Seventeen States require that selected staff receive training before being permitted to restrain children. The rest do not. Thirteen States require schools to obtain consent prior to foreseeable or nonemergency physical restraints, while 19 require parents to be notified afterwards. Only two States require annual reporting on the use of restraints. Eight States specifically prohibit the use of prone restraints or restraints that impede a child's ability to breathe.

I would argue, Mr. Speaker, that as a government, as a Nation that provides massive amounts of education dollars across the country, we would never countenance racial discrimination or gender discrimination by any institutions that receive those funds.

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

Mr. GEORGE MILLER of California. I yield the gentleman 1 additional minute.

Mr. COURTNEY. I don't think it's too much to say that we should not allow these types of practices which, in some instances, result in, as the chairman said, actual deaths and traumatic lifelong injuries, to be countenanced by the American taxpayer. This measure establishes minimum standards. It establishes transparency. It gives us as a country the opportunity to allow States to take leadership in terms of implementing their own rules and regulations. But it says as a Nation we are not going to tolerate this type of behavior, of which schools themselves are mandated reporters. If it was happening in a child's home, and as a teacher became aware of it, they would be required by law to report it to child protection agencies as a result of Federal law. We can do at least as much for the school environment which children go to every day in this country.

I urge a strong, powerful bipartisan vote in support of this legislation so that we can raise our children to a new level as they go to school every day.

□ 1500

Mr. KLINE of Minnesota. Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Children Safe Act, and I urge my colleagues to support it as well.

When is it appropriate to lock up or tie up a child, or handcuff a child to a desk? Common sense tells us these extreme measures should not ever be used against children with autism or Down syndrome or other learning disabilities. Yet the truth is there are thousands of incidents reported involving the inappropriate use of seclusion and restraint. Reports by the National Disability Rights Network, GAO, and others reveal that our children are at risk for serious injury and even death in the school setting.

The bill we are considering today outlines minimum standards that must be included in guidelines issued by the Department of Education. States then have the flexibility to determine how best to proceed. For the 10 States that already have comprehensive policies, all they need to do is show what they have already done. For the other States, the law will put in motion a review of current practices and a chance to put in place adequate guidelines. I would like to emphasize that these are guidelines. These are standards, like parents should be notified, that seclusion and restraints should only be used as a last resort, that training needs to be given to staff. I believe more often than not staff don't even know how to respond. And I would also like to emphasize that there is no private cause of action. This bill is not opening up all these lawsuits.

When we send our son Cole to school, my husband Brian and I send him with the expectation that he is safe from

danger. We entrust him to teachers, and principals, and aides. And I know that those school personnel have done an outstanding job to keep him safe. But this has not been the case for other children.

Students have been traumatized, injured, and even died in the classroom. Ignorance is not bliss for the children who have been harmed. And many times parents are not even aware of these practices. More than anything, I want teachers and school administrators to have the support for children who become anxious and unruly. If they better understand the situation, they will know that there are more positive choices to teach children rather than using harmful techniques such as restraint and seclusion.

Under the Children's Health Act, current law includes these kind of protections for children in public and private hospitals, medical and residential facilities. And this bill would add those same protections for our children in schools.

There are some that believe this is an unprecedented expansion of Federal authority, but I disagree. The Federal Government is involved in the schools. The Federal Government is the one that mandated that every child should have access to an education, including those with special needs. When we enacted the Individuals with Disabilities Education Act, we committed to ensuring that children with special needs have access to a free, appropriate public education. This bill ensures those children, as well as all students, are safe.

I urge my colleagues to protect our children by supporting the Keeping All Students Safe Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 10 seconds.

I thank the gentlewoman from Washington. I don't believe she was in the Chamber at that time, but I want to again thank her, while she is here, for all of her work and all of her effort to bring this bill to the floor. I enjoyed working with her.

At this time I would like to yield 2 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act. I would like to thank Chairman MILLER as well as the members and staff of the Education and Labor Committee for their leadership on this crucial piece of legislation.

Last year, Chairman MILLER requested that the GAO investigate allegations of abuse in schools. The GAO report revealed many cases of abuse and harmful restraint, and most of those cases involved children with disabilities. Additionally, the GAO report found that no Federal agency or other entity collects comprehensive information on these practices that occur in our schools. Without consistent data collection, it is impossible to calculate an accurate number of children, families, and schools that have been affected by these harmful practices.

Just one instance of harmful restraint of our children is one too many. Unfortunately, there have been hundreds of allegations, and some children have even died. Unlike federally funded institutions such as hospitals, schools have no Federal laws that address minimum safety standards in schools. Instead, State laws and regulations vary tremendously, which leave our children vulnerable. Indeed, New Jersey is one of the 19 States with no laws or regulations related to seclusion or restraint in schools. It is imperative that we protect our children and provide them with a safe place to grow and develop.

As a former teacher, I know that teachers and other school employees have the best interests of the children at heart. This legislation can address the problems of harmful restraints and ensure the safety of both children and school professionals. This bill will provide grants for professional development training and also give States and local districts the flexibility to determine training needs. Our children deserve to learn in a secure, protected environment, and a Federal solution to this problem is long overdue.

I urge my colleagues to support this legislation.

Mr. KLINE of Minnesota. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank my colleague for yielding time.

No one wants children to be in danger in this country, especially children who are in public institutions designed to serve them. Teachers, principals, and other school personnel have a responsibility to ensure the environment is maintained at all times. In many cases, it is vitally important, though, that teachers and classroom aides use interventions and supports that are both physically and emotionally safe for the child.

What the bill before us fails to recognize is that 31 States currently have laws and regulations in place that govern the use of seclusion and restraints in schools. An additional 11 have policies and guidelines in place, and in some cases school districts may also have their own guidelines governing the use of such practices in the classroom.

In addition, the Federal Government has no reliable data on the prevalent use of harmful seclusion and restraint techniques in public and private schools and whether they result in child abuse. It is my belief that State and local governments can identify student needs and determine the most appropriate regulations better and more efficiently than the Federal Government.

Our Founding Fathers knew what they were doing when they assembled the U.S. Constitution and the protections it guarantees, specifically the 10th amendment. The authors of this amendment, ratified in 1971, remembered what it was like to be under the thumb of a distant, all-powerful government and understood that a one-size-fits-all approach just doesn't work.

Since the U.S. Constitution was first ratified, the Federal Government has slowly, steadily, and insidiously eroded the notion of States' rights and our individual liberties. What we need to focus on, as the distinguished ranking member talked about earlier, is the strong punishment of those who do wrong, but not to create costs to the local units of government who must comply with Federal rules and regulations, and in addition giving the Federal Government authority it should not have.

This bill is not needed. The States and the localities can handle these situations. They will look after the children. They are the people closest to the children that they are serving. They will do it. If they don't do it, the community will be up in arms and will require them to do that.

I urge my colleagues to vote ''no'' on this legislation.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. I thank the chair.

Mr. Speaker, I rise today in strong support of H.R. 4247, the Keeping All Students Safe Act, and I am proud to be a cosponsor of this very important piece of legislation.

Mr. Speaker, I want to begin by acknowledging the sponsor of this bill, Chairman MILLER. Because of his commitment to protecting students from abuse, our schools are safe havens once again.

Mr. Speaker, restraint and seclusion in schools is often unregulated and is too frequently used for behaviors that do not pose danger to the children or others. These emergency interventions are also disproportionately used on some of our most vulnerable students, children with disabilities.

Today Fragile X advocates, including my constituent, Holly Roos, are here to lobby Congress to pass H.R. 4247. Holly's son Parker was diagnosed with Fragile X Syndrome, the most common known cause of inherited mental impairment in the world. I met with Holly today, and she is concerned that Parker, her son, was inappropriately restrained at school because he seemed to be exhibiting aggressive behavior after a possible seizure.

Mr. Speaker, Parker is a real life example that speaks to the importance of adopting minimum safety standards for the use of restraint and seclusion in our schools.

Mr. Speaker, I am pleased that this bill also makes an investment in positive behavior supports, an evidence-based approach designed to create a positive school climate that reinforces good behaviors and supports academic achievement. My State of Illinois has effectively reduced the majority of behaviors which resulted in the use of seclusion and restraint by implementing

this preventative approach throughout the school system.

This bill ensures our schools are safer and more effective learning environments. I urge all my colleagues to vote for H.R. 4247.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield now 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Minnesota for yielding, and I appreciate the stance that he is taking on this bill, H.R. 4247.

First, Mr. Speaker, I would say a couple of words about the 10th amendment and those rights that are reserved for the States or to the people respectively. What are the States doing wrong? How is it that the States, that now 31 of them have some type of controlling legislation, another 15 States are taking a look at this, that adds up to 46 States that could potentially have this resolved each in their own fashion, what is the crisis that requires Uncle Sam to step in and ignore the direct guidance in the 10th amendment of the Constitution itself?

So I am going to stand on the States' rights side. And if I were in one of these States, and if this legislation were to pass, my response would be to the Federal Government, Keep your money. We don't need these strings attached, because it is one thing after another after another after another. And pretty soon it is a national curriculum with Federal mandates and imposing cultural impositions at the school level in every accredited district in the country.

And one of the cases in point will be, if this is about keeping our students safe, if this is about the Keeping All Students Safe Act, which is the title of it, then we ought to take a look at the President's czar. The President has appointed a Safe and Drug-Free Schools czar. His name is Kevin Jennings. I don't know what Kevin Jennings says about this particular bill, but if he is appointed to this task, I would think he would have been the person that testified before the hearings. But I suspect that the President of the United States isn't interested in having Kevin Jennings come before the cameras here in the United States Congress because he has made a totality of his life about promoting homosexuality within the schools, and much of it at the elementary school level.

He has written a foreword in a book called Queering Elementary Education in a favorable fashion, which aims to indoctrinate elementary students with homosexuality. Additionally, Kevin Jennings has written several other books. One of them is Mama's Boy, Preacher's Son, where he describes his own use of illegal and illicit drugs, and written about it in a cavalier fashion. He has not retracted those statements.

If he is going to be about safe and drug-free schools, there should be something he had to offer about safety for kids and drug-free for kids. That could possibly be something that we could take up in here. But the czar of Safe and Drug-Free Schools has another agenda. It is the promotion of homosexuality within our schools.

Kevin Jennings has spoken in a favorable way about Harry Hay, who was on the cover of NAMBLA magazine, the North American Man/Boy Love Association magazine. Kevin Jennings said of Harry Hay that he is always inspired by Harry Hay. Additionally, some of these things, Mr. Speaker, I am just not going to say into the record. If I did so, I imagine somebody, at least on my side of the aisle, would move to take my words down. Some of it is that revolting. And this is the Safe and Drug-Free Schools czar, who has crossed the line over and over again, made a complete career about advocating for homosexuality in our schools, much of it in our elementary schools. This is the man that the President of the United States has appointed as the Safe and Drug-Free Schools czar.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. Children with autism, many of whom are nonverbal or have other communications challenges, are especially vulnerable to dangerous interventions at school by staff who can at times be ill-prepared to deal with unique behavioral issues.

I sat recently with a constituent from Greenwich, whose autistic daughter suffered terrible isolation and trauma in her school years, and who herself founded a group of volunteer advocates whose sole mission is to prevent other autistic children from suffering these same abuses.

The GAO study cited by my colleagues included stories which shock the conscience: a 7-year-old who died after being held face down for hours by school staff, and 5-year-olds allegedly being tied to chairs with bungee cords and duct tape by their teacher and suffering broken arms and bloody noses. These could have been your children or mine.

This legislation is an important step toward ending inhumane treatment of children with autism and other disabilities who, like all students, should be able to trust their educators and feel completely safe in their school environments.

There are, of course, rare and extreme emergencies where it may be necessary to physically intervene. But we affirm today, Mr. Speaker, that any behavioral intervention must be consistent with a child's right to be treated with dignity and to be free from abuse.

□ 1515

With the help of this bill, teachers and school personnel will be trained regularly, and parents will be kept informed on the policies which keep our schools orderly and safe and on the alternatives available to traditional forms of restraint and seclusion.

I'm grateful to my friends in the autism advocacy community, including Autism Speaks and the Greenwich-based Friends of Autistic People, for their tireless work on this issue. Children with autism deserve the same rights available to all children, a free and appropriate education, safety and dignity. This bill is a step in the right direction, and I urge my colleagues to support it.

Mr. KLINE of Minnesota. Mr. Speaker, before I yield to the gentleman from Texas, I would like to yield myself a minute.

My friend from Illinois was just here. I'm sorry that he left. He underscored for me one of the many problems with this legislation. It turns out that Illinois is one of those States that actually has a very strong seclusion and restraint law. They passed it in 2001. It went into effect in 2002; and in 2006, there was an incident, one of those reported by the GAO, where a teacher restricted a child inappropriately. The teacher was prosecuted, found guilty, and yet I find it interesting that even today, or the last look that we had at this, she still has a teacher's certificate to be a substitute teacher in Illinois, something which this bill doesn't address either. We need to get these teachers out of the teaching business.

It just makes a point that when you pass a law, it doesn't automatically keep kids safe. You have got to enforce that law. You've got to educate folks, and you've got to have people locally take an active interest.

At this time, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman from Minnesota.

Truly, the examples that were given here today of children who have lost their lives, children who have suffered is untenable. There is nobody in this body that I can imagine who would think this is appropriate. Of course it is not. Our hearts go out to the families, all of us who have raised children, had children go through school. I have a great fear of something like that.

But there was also a fear that our Founders had. There was a fear of even coming together for the Constitutional Convention because they were afraid that it would allow for a Constitution that would set in motion a Federal Government that would continue to take away the powers of the people in the local government and the State government. So the only way they were able to come together on this Constitution was to assure the people there that if they would pass the Constitution, they would put together 10 amendments to make sure that the Federal Government would never do the very things we're doing here.

There is no State that would put up with this knowingly. Every State would say, This is ridiculous; of course we don't want children killed in school. But what gets me is during my first 2

years here when we were in the majority in this body, I was one of the few Republicans that said No Child Left Behind is not appropriate. And I was joined by many across the aisle who said the Federal Government shouldn't have a program like No Child Left Behind. You don't know more here in Washington than people know back in the school districts. And I appreciated the support of my colleagues across the aisle. I told that to the White House. That's an area we are going to disagree on because you should not be mandating back to the States and the local governments and the local school boards, because they are competent.

I know that it's not the intent of this bill, but the underlying message is, You people back in your States and local school boards and local governments are a bunch of morons. You can't figure out that sitting on a precious little child and killing them is inappropriate. So the big, smart Federal Government has to come in and let you know that that's not appropriate. We don't need that. We didn't need No Child Left Behind as a mandate rammed down the throats of the State and local government. We don't need this. We need logic and reason, and we need proper schooling; but it doesn't come at the tip of a fisted mandate from Washington.

We need to encourage the States to do the right thing. But under the 10th Amendment, the power is not delegated to the United States by the Constitution nor prohibited by it to the States or reserved to the States. We doggone sure ought to respect that.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman from California for his leadership on this measure.

Mr. Speaker, I rise today in support of H.R. 4247, the Keeping All Students Safe Act. This bill is aimed at restricting some of the most abusive practices still employed in certain schools around the country: negligent restraint and abusive seclusion.

Last spring, the Education and Labor Committee heard testimony from the Government Accountability Office, which investigated the use of these practices in schools. What the GAO found was stunning. There were many instances of serious injury and abuse and even some accounts of death. Even more troubling to me, as a strong supporter of disability rights in special education, was that many of the victims were students with intellectual disabilities.

This bill is meant to protect our most vulnerable students against the worst kinds of abuse. The committee heard about a 4-year-old girl with cerebral palsy and autism who was restrained in the chair with leather straps for being uncooperative at school. The girl suffered bruises and was later diagnosed with post-traumatic stress disorder.

In another instance, five children, ages 5, 6 and 7, were gagged and duct taped for misbehaving in another school. At a school in my State of New York, a 9-year-old child with a learning disability was put in a time-out room for hours on end for whistling, slouching and hand waving. The child's hands became blistered when he tried repeatedly to escape the room described as smelling of urine. Finally, the committee heard the case of a 14-year-old boy who, because he did not stay seated in class, was restrained by his teacher. The 230-pound teacher put the boy face-down on the floor and lay on top, restricting his breathing and ultimately suffocating him. At the time the committee heard this testimony, the teacher was still teaching in the suburbs of Washington, D.C.

This is the kind of restraint and seclusion we're saying cannot be used. We cannot allow this neglect and abuse of our Nation's children to continue one more day. Please support this bill to keep our students and our schools safe.

Mr. KLINE of Minnesota. Mr. Speaker, can I inquire as to the amount of time remaining on each side?

The SPEAKER pro tempore. The gentleman from Minnesota has 13 minutes left, and the gentleman from California has 12 minutes left.

Mr. GEORGE MILLER of California. If I might just yield to myself to respond to the inquiry. We have Mr. LANGEVIN who is waiting to speak, and I think Mrs. MCCARTHY is on her way.

Mr. KLINE of Minnesota. I will be yielding to Mr. SOUDER momentarily, and then I will close.

Mr. Speaker, at this time I am very pleased to yield 5 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank our distinguished ranking member, Mr. KLINE, and our chairman, Mr. MILLER.

This is one of these bills you kind of go, Well, how could you possibly favor tying kids up and putting tape across them or letting people abuse them? That isn't what this is really about. I am going to make four basic points, which I know we have been making all afternoon, but there is no harm with repetition because they are important.

One, there is no reliable data on how much use there is of these techniques. We've heard all sorts of individual horror stories that my sociology prof used to call ''my Aunt Annie stories.'' We have some real cases of abuse that need to be addressed. We have others of a wide variety. I, for example, would abhor most of them. I don't find being made to stand in a corner quite the same as some others might, but I think there is a wide range. We need to know how many of these are serious, how many of these justify intervention, and how many of them are things where there is a difference of opinion. It also fails to acknowledge in this bill that 31 States have had this, and this is a one-size-fits-all, and that many other States who don't have it are doing it. This is the ultimate arrogance.

We are saying that basically State legislators believe that their kids should be tied up, mouths taped, they should be abused, and they're too ignorant to fix this. Since when do we get to always determine the speed and kind of satisfactory level of intervention that a State does, particularly since we don't have the data to prove our case?

Thirdly, it doesn't exempt private schools. Even though there is no direct funding from the Federal Government, we have to have some kind of a clause or a hook that the Federal Government is going in and taking over this since they would be covered by State law on human rights or student rights cases. Private schools generally don't even get direct funding or indirect funding, although some do. And about half of the private, independent schools would fall under that hook, and the danger, of course, is that it could be broader.

Lastly, the bill fails to clarify or delete language that may open States and school districts up to additional litigation. In other words, adverse behavioral interventions that compromise health and safety is undefined and would have to be litigated.

But I want to come back to a basic thing. Number one is, What is the constitutional justification? We have this debate in education a lot that things are reserved to the States that aren't given to the Federal Government. Now we're going to a second degree in the education. Now maybe this comes under the clause that says, If States don't move as fast as we would like them to, then we can intervene and take over their jurisdiction. Maybe it comes under the clause that as we get emotionally upset about something, and we're emotionally moved about a case we saw on TV, therefore the Federal Government and Congress have a right to take it over.

It is truly tragic in thinking that we're the only ones to address this. We had a clause, after the Republicans had first taken over Congress, that we were trying to put in and had in, briefly, that says, Put the constitutional justification of why this is uniquely the problem of the Federal Government and how the Constitution, in effect, justifies that intervention. And generally speaking, what we saw was, Promote the general welfare. Promote the general welfare. Promote the general welfare. Promote the general welfare.

Now, Thomas Jefferson said that this clause, in a letter which I believe was to Madison, was the most pernicious, I believe was the word he used, clause in the Constitution and it would be abused by future generations to justify Federal intervention wherever they felt they wanted to intervene and that ultimately, unless that ''promote the general welfare'' was restrained by Congress itself and by the courts, that Congress would intervene on a regular basis, and ultimately everything that is reserved for the States would be at the Federal level.

I believe there are times, such as in civil rights cases, where there were

clear, systemic, systematic, multigenerational interventions that we needed to get in; that many times those who were more States' rights-oriented defended their positions based on States' rights.

But what we're looking at today is insufficient data. We're looking at the States actually addressing it. Thirty-one States have addressed it. A number of others—the bulk of the rest of them actually have laws up at this time. And I see no reason, no compelling evidence of why we need to do this as opposed to the State legislators. I see no compelling constitutional justification for it. And I believe that Thomas Jefferson, were he here, would call this a pernicious use of promoting the general welfare even though the end-all in the hearts of the people who are doing this are motivated for the right reasons. They care about the safety of the kids. They're worried about whether kids are going to be harmed in the schools, and we all are, and so, quite frankly, are State representatives and State senators.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 4247, the Keeping All Students Safe Act. As a cosponsor, I am certainly pleased that for the first time this bipartisan legislation will protect all children in schools from harmful uses of restraint and seclusion.

The need for this legislation was highlighted by a recent GAO report that found hundreds of cases of schoolchildren being abused as a result of inappropriate uses of restraint and seclusion, often involving untrained staff. One of these cases included a locked isolation room in a school basement at a school in Rhode Island, my home State. This room was used to restrict a student who was deemed overly aggressive and another who showed undesirable behavior.

Well, this bill will provide the proper guidance to ensure that our schools and educators are treating children appropriately. I have been a strong advocate in Congress to educate colleagues on the value that individuals with developmental disabilities can bring to society with the right system of support. The bill that's before us today represents an important step in ensuring that these children are treated fairly and given the opportunities they deserve to succeed in school. I look forward to continuing working together on our work to make sure that our children with developmental disabilities receive the care that they need to reach their full potential.

□ 1530

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself the balance of my time to close.

I wanted to touch on a couple of things that we have talked about in the course of this debate that I find to be interesting. We have heard an appeal from one of the Members here on the floor, I think it was the gentleman from Illinois, who said he was applauding this evidence-based approach. And yet we have heard other Members say we have insufficient data. I must admit that I fall in the latter category. We really don't know the extent of the situation.

We have heard the numbers quoted. California, for example, is quoted as having 14,000 incidents. We really don't know what is in those 14,000. These include emergency interventions. So we don't know if that's the case of a teacher breaking up a fight or stopping an argument. It is certainly not 14,000 cases of taping children to their chairs, and I don't think anybody in this body believes that is the case.

But the point is we don't know. We don't know, and yet we are using numbers as though they were gospel.

Look, on this issue let's start with what we agree on. We agree students and teachers should be safe at school. We agree children with disabilities are especially vulnerable because they may struggle with behavioral and communication problems that are difficult for teachers to control. As a result, children with disabilities have been more likely to be restrained or placed in seclusion when, in many cases, positive behavioral interventions could be much more successful and pose a lower risk to students.

We also agree that teachers must be able to protect students with serious behavioral problems from injuring themselves or their classmates or their teachers.

The only real disagreement, outside some dispute over the data and the evidence and the GAO report, and I find the GAO report particularly interesting because it cited 10 incidents of really egregious behavior in seclusion and restraint. Of course, one of those incidents was 18 years ago, two were 12 years ago, and the most recent was 4 years ago. It just seems to me, when we are going to enact this kind of legislation, this sort of Federal overreach, in my judgment, we ought to have better data.

So our only real disagreement is who should address the use of seclusion and restraint in schools. I believe States and local school districts have an obligation to keep their classrooms safe. I have seen real progress from the 46 States that have or will soon have their own policies to train teachers on how to handle difficult behavior and to ensure seclusion or restraints are only used to protect children from harming themselves or others.

I believe the Federal Government has historically limited its reach into private schools, and it would be a mistake to start applying new Federal mandates to independent schools that do not receive taxpayer funding. I also believe that we do not protect schools by empowering trial lawyers.

For all of these reasons, I continue to oppose H.R. 4247. Through hearings and public outreach, Members of Congress have successfully spurred a national dialogue about the dangers of these strategies for controlling student behavior. That dialogue is a positive step, as is the action it has prompted at the State and local level. Let's not discard the work of these States and districts.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the argument against this legislation is that somehow 31 States have taken care of this problem and that we all share the concern. The facts are that 31 States have not taken care of this problem. As we pointed out, in a number of States, it only goes to one particular population in that school, in that setting, or to an age bracket, or to just reporting, what have you. These are not laws that are designed to protect these children in this situation.

Illinois has been cited. Illinois is very close to what you would like to see have happen, and they have spent a lot of effort trying to do that.

But in my own State, we talk about the 14,000. When you ask the person responsible for this, they say, We don't use the data. So is that sufficient for Members of Congress? California has ''addressed the problem''? Yes, they collect data that they refuse to characterize or do anything else with.

Paige could have been in that data. She could have been one of those 14,000.

So I think we have to understand. I appreciate there is a difference here about the approach. But as Mr. COURTNEY pointed out, in 1998 we had a national discussion, an expose of many of the same behaviors that are going on today, it is 12 years later, and children are still being abused, dramatically abused. Restraint and seclusion is being dramatically misused. It is being used by people who don't know what to do in that situation. They have not been trained.

I find it interesting that the school boards who have to live with this problem on an everyday basis support this legislation. The classroom teachers who have to live with this on an everyday basis support this legislation. People who are on the front lines want this legislation passed because it will bring them greater understanding, greater knowledge, greater skill, and greater training to deal in these situations. An understanding, yes, there are situations where, in an emergency case, where there is a danger to the individual student or to others, that this may be proper. But it also takes training to understand that and how you use it.

I refuse to believe that was the 14,000 incidents in California, that each one of those was an emergency, dangerous

situation. They may say it is an emergency, but in California they don't describe what an emergency is. So compliance with current law all across this country is not a big deal. It is not doing much for the families of these children. It is not doing much to protect these children.

That is why we move. We move with some minimum standards about taping children, mechanical restraints of children, about secluding very young children in darkness for hours at a time, maybe repeatedly for days on end. You should not be able to do that.

We have other investigations in the committee where the simple withdrawal of water has killed children because of dehydration. So we ought not to withdraw water here. We ought to not withdraw food as a means of punishment. We ought not deny them the use of the bathroom facilities. We ought not have them in a situation where they are soiling themselves in front of their classmates, where they are humiliated, where circles are drawn around their chair and they sit in the classroom tied down by duct tape, while they are humiliated and pointed at by the teacher. These are 4- and 5- and 6-year-old kids. None of us would stand for this with our children or our grandchildren, not for a minute. But many of these parents are never notified that this is happening to their children. Many of the grandparents are never notified that this is happening to a child that they were caring for. Many of the foster parents are never notified that their children are in danger, in peril. Think about it. Just put the vision of your child, your grandchild, your next-door neighbor child in this picture.

And you want to say, We have addressed it; the States have addressed it; there is no role for the Federal Government. Well, who the hell is going to step in and protect these children? They can't do it themselves.

This may not be perfect, but we ought to take this step to put us on record that we are prepared to do something to end this practice, this abuse, this torture, of very young children, in many instances children with disabilities, children who are unable to communicate in an effective fashion. Just think about that. Think about your family. You don't have to take this to the abstract. These children cannot defend themselves against this practice, and their parents can't speak for them if they don't know. These children can't control themselves if they are denied the use of a bathroom facility.

That is what this legislation is about. It is about whether or not we are going to take this step, whether or not this step is important, and I do not believe that you can nullify this by suggesting that somehow because 31 States have done something, that this problem need not be addressed, need not have our attention. We cannot do this to these children and these families.

I urge my colleagues to vote for this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, first, I want to applaud Chairman MILLER on this important, bipartisan bill.

As we know, the use of seclusion and restraint has resulted in harm to schoolchildren, and also death in some cases.

This is wrong, and I am glad we are taking this important step to change it.

I am proud to have been one of the first cosponsors of the bill.

I also want to thank the Committee for working with me to include a technical change important to New York.

The definition of Chemical Restraint would have required that only a ''licensed physician'' be allowed to administer any medication prescribed by the physician for the standard treatment of a student's medical condition.

However, in New York and other states, we allow health professionals other than physicians, such as nurse practitioners, to prescribe drugs.

I am glad we have been able to correct the bill to allow states this flexibility.

While I am happy the House is moving ahead on this important bill, I want to say a word about the issue of corporal punishment—that is hitting of children in schools. Each year in the United States, hundreds of thousands of schoolchildren in twenty states are hit in public schools according to the Department of Education.

However, thirty, including my state of New York, states have appropriately banned this practice.

Often this is called ''paddling'' and the student is struck with a wooden paddle, which can result in bruises, other medical complications that may require hospitalization.

Just as with seclusion and restraint, paddling can cause immediate pain, lasting physical injury, and on-going mental distress.

Gross racial disparity exists in the hitting of public school children.

Further, public school children with disabilities are hit at approximately twice the rate of the general student population in some States.

Corporal punishment is associated with increased aggression in the punished child, physical and emotional harms, and higher rates of drop out, suspension, and vandalism of school property.

The federal government has outlawed physical punishment in prisons, jails and medical facilities.

Yet our children sitting in a classroom are targets for hitting.

We know safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings.

Hitting children humiliates them.

Hitting children makes them feel helpless.

Hitting children makes them feel depressed.

Hitting children makes children angry.

Hitting children teaches them that it is a legitimate way to handle conflict.

We are adults.

We shouldn't be hitting kids in schools.

One of my other concerns is that by placing restrictions only on seclusion and restraint and allowing hitting to continue, we may be encouraging hitting.

Instead, we, as a nation, should move toward these alternative strategies when it comes to our schoolchildren.

I plan to introduce legislation in the next few weeks to ban the use of corporal punishment in schools and look forward to hearings in the Committee on this topic.

In the meantime, I urge all my colleagues to support this bill.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4247, the Keeping All Students Safe Act. At the outset, let me thank Chairman MILLER, Congresswoman MCCARTHY, Congresswoman MCMORRIS RODGERS, and Congressman PLATTS for their leadership on this bill.

Last year, the Committee on Education and Labor held a hearing that examined the disturbing and shocking use of restraint and seclusion in schools. The hearing made clear that federal and state officials have little information about the frequency, nature, or effectiveness of these potentially-deadly practices in educational settings. Witnesses expressed concerns that certain groups of children and youth—especially those in special education—may be at heightened risk to experience these interventions. The hearing further presented numerous studies, including one by the Government Accountability Office, documenting the need to restrict these practice to emergencies, provide staff training, and report data about which students experience these practices.

Given that minority students are disproportionately referred to special education and given that minority students are disproportionately suspended and expelled, a number of my colleagues within the Congressional Black Caucus and I have serious concerns that minority children disproportionately experience these harmful and sometimes deadly restraint and seclusion practices. Given our concerns, we asked Chairman MILLER to lead a federal effort to document these practices and limit abuses. This bill provides such leadership. Passage of this important legislation will help regulate the use of seclusion and restraint, further document its use, and eventually eliminate the use of abusive restraint and seclusion through appropriate training.

H.R. 4247 provides basic protections for students within schools while still giving states and local districts the flexibility to tailor policies and procedures to meet their needs. This bill provides a balanced approach. It recognizes that there are times when danger is imminent and when restraint may be necessary. It also recognizes that seclusion and restraint are not educational services or therapeutic treatments and, consequently, should be administered by trained personnel and should be monitored.

The Keeping All Students Safe Act is bipartisan legislation that provides overdue federal leadership to document and regulate these techniques and to eliminate abusive tactics.

Mr. TERRY. Mr. Speaker, I rise today to oppose H.R. 4247, the ''Keeping All Students Safe Act.''

I have spoken with officials from the Nebraska Department of Education and superintendents in my District and the overwhelming conclusion that I reached was that my local school districts are doing a good job of dealing with student discipline. The guidelines and procedures that are now in place are intended to keep every student safe in the school environment.

Like many states, Nebraska makes any form of corporal punishment illegal and teachers or staff can be disciplined for unprofessional behavior or even be terminated for

any verbal or physical abuse of a student. Based on the information provided by my school officials, there has not been any significant problems with the treatment of students in my district. Therefore, I really do not see the need for this legislation. It will become just one more federal intrusion into our local education systems.

Mr. CONYERS. Mr. Speaker, today I rise to commend Chairman MILLER and Congresswoman MCMORRIS RODGERS for their work and dedication on this issue. We all want our children to have the highest quality education and educational experience available. That cannot happen in an environment where students, paraprofessionals, teachers and administrators are not safe.

This bill establishes standards that will ensure that those in classroom settings are safe and will prevent and reduce inappropriate restraint and seclusion by establishing minimum safety standards in schools, similar to protections already in place in hospitals and nonmedical community-based facilities. By establishing minimum standards for situations that require the seclusion of students, this bill offers support to the nineteen states that have no standards set for such situations.

Special education students are at a higher risk of being harmfully restrained. Because minority children are disproportionately placed in special education, this bill will offer them protection against harmful actions such as being denied food in order to punish or preempt behaviors. By setting minimum standards that apply to the whole student body, H.R. 4247 protects students without singling out anyone or placing a stigma on a child or a group of children.

I am sensitive to the concerns of those who worry that they may lose the ability to implement certain behavioral interventions. I wish to continue this discussion with an eye toward further improvements in safety. This bill's parent notification provision is a positive step towards a continual dialogue between educational stakeholders that we in Congress can participate in. To those who have expressed concern over this bill, I want you to know that this bill is part of the on going conversation about students' safety in school and does not signal the end of our efforts to protect students.

The SPEAKER pro tempore. All time for debate on the bill, as amended, has expired.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I have an amendment at the desk.

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

The text of the amendment is as follows:

Amendment printed in part A of House Report 111–425 offered by Mr. GEORGE MILLER of California:

Page 3, beginning on line 4, strike ''Preventing Harmful Restraint and Seclusion in Schools Act'' and insert ''Keeping All Students Safe Act''.

Page 7, line 3, insert '', or other qualified health professional acting under the scope of the professional's authority under State law,'' after ''physician''.

Page 7, line 7, insert ''or other qualified health professional acting under the scope of the professional's authority under State law'' after ''physician''.

Page 9, line 13, insert ''local educational agency,'' before ''educational service agency''.

Page 10, line 22, insert ''training in'' before ''evidence-based''.

Page 11, line 1, insert ''training in'' before ''evidence-based''.

Page 11, line 9, insert ''training in'' before ''first aid''.

Page 14, line 15, strike ''and local educational agencies'' and insert '', in consultation with local educational agencies and private school officials,''.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

The manager's amendment makes minor technical corrections and clarifications. It renames the bill Keeping All Students Safe Act. The amendment adds clarifying language to the definition of ''chemical restraint'' to exclude medications prescribed and administered by qualified health professionals acting under State law. It fixes the definition of ''school'' to include all schools and programs under the jurisdiction of the local educational agency. It clarifies language describing ''State-approved crisis intervention training program,'' and the amendment requires States to consult with private school officials on determining that a sufficient number of personnel are trained to meet the needs of the student population.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I rise to claim the time in opposition, although I will not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. I yield myself such time as I may consume.

I agree with the chairman. This is a technical amendment. It changes the short title of the bill and some other technical and clarifying changes to the bill. While I still cannot support the underlying bill, we have no objection to this. I will vote for it and encourage my colleagues to vote for it.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Speaker, I have an amendment at the desk.

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

The text of the amendment is as follows:

Amendment printed in part B of House Report 111–425 offered by Mr. FLAKE:

Add at the end the following:

''SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.

''(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this Act will be awarded using competitive procedures based on merit.

''(b) REPORT TO CONGRESS.—If grants are awarded under this Act using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

''SEC. 14. PROHIBITION ON EARMARKS.

''None of the funds appropriated to carry out this Act may be used for a congressional earmark as defined in clause 9e, of Rule XXI of the rules of the House of Representatives of the 111th Congress.''.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

This amendment is noncontroversial in nature. Section 7 of the bill would create a new discretionary grant program to assist State education agencies in meeting the regulations established in the bill, collecting and analyzing data, and implementing the schoolwide positive behavior support approach. This grant program is to be funded out of the authorization provided in the bill for such sums as necessary.

While State agencies will have to apply for these grants, it is unclear if the grants will be awarded on a competitive basis or a merit-based approach.

We have seen in the past, unfortunately, when these grant programs have been established, even if it is stipulated that they should be competitive or merit based, oftentimes later Members of Congress will come in and earmark funds directly, and some of these accounts we have for competitive grant programs, merit-based grant programs are completely earmarked just a few years later, so organizations and individuals, nonprofit agencies or State agencies can't even compete for them because all of that money has been earmarked.

We need to look no further than FEMA's National Pre-Disaster Mitigation Program. It was a competitive grant program designed to ''save lives and reduce property damage by providing for hazard mitigation planning, acquisition, and relocation of structures out of the floodplain.'' Again, this was going to be a competitive grant program. The fiscal 2010 Homeland Security appropriation bill appropriated $100 million for this program. Almost $25 million of that was earmarked for projects in Members' home districts, leaving fewer funds available for localities that wished to legitimately apply for the funding.

A grant program to establish the Emergency Operation Center established by Congress in the fiscal 2008 Homeland appropriation spending bill,

60 percent of the funds in that grant program were earmarked.

Again, these are grant programs that are typically set up to be competitively bid on for the agencies to assess on a merit-based basis, and yet they are earmarked.

So this amendment would simply say none of the funds available or authorized by this legislation would be available to be earmarked.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to claim the time in opposition to the gentleman's amendment, although I do not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I support this amendment. Obviously, I am a very strong believer in this legislation and the terrible situation that we are trying to rectify, and I would hope and I think with the gentleman's language we can hopefully be assured that these grants would be based upon a healthy competition and would be based upon the request of the States for technical assistance and for other assistance in dealing with this legislation. So I support the amendment by the gentleman from Arizona.

I yield back the balance of my time.

□ 1545

Mr. FLAKE. I thank the gentleman for supporting the amendment. I think it is important that we do this on this legislation and all programs like this that are authorized by the Congress.

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

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. GEORGE MILLER 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 391, nays 24, not voting 16, as follows:

[Roll No. 81]

YEAS—391

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

NAYS—24

Brown, Corrine
Clarke
Cleaver
Clyburn
Cohen
Conyers
Davis (IL)
Edwards (MD)
Fudge
Grijalva
Hastings (FL)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee (CA)
Lewis (GA)
Moore (WI)
Oberstar
Paul
Rush
Scott (GA)
Waters
Watt
Woolsey

NOT VOTING—16

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Massa
Radanovich
Sullivan
Turner
Wamp
Wasserman Schultz

□ 1615

Messrs. KUCINICH and DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. WATT and SCOTT of Georgia, Ms. FUDGE, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Ms. WOOLSEY, and Messrs. COHEN, LEWIS of Georgia, and HASTINGS of Florida changed their vote from ''yea'' to ''nay.''

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Pursuant to House Resolution 1126, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GEORGE MILLER of California. 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, this 15-minute vote on passage of H.R. 4247 will be followed by a 5-minute vote on the motion to suspend the rules and agree to House Resolution 1127.

The vote was taken by electronic device, and there were—yeas 262, nays 153, not voting 16, as follows:

[Roll No. 82]

YEAS—262

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer

Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NAYS—153

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Driehaus
Duncan
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perlmutter
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Massa
Radanovich
Sullivan
Turner
Wamp
Wasserman Schultz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. HALVORSON) (during the vote). There is 1 minute remaining in this vote.

□ 1632

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONCERN ABOUT SUICIDE PLANE ATTACK ON IRS EMPLOYEES IN AUSTIN, TEXAS

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1127, 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 Georgia (Mr. LEWIS) that the House suspend the rules and agree to the resolution, H. Res. 1127.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 21, as follows:

[Roll No. 83]

YEAS—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
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
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
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
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
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
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam

Quigley	Schrader	Thompson (CA)
Rahall	Schwartz	Thompson (MS)
Rangel	Scott (GA)	Thompson (PA)
Rehberg	Scott (VA)	Thornberry
Reichert	Sensenbrenner	Tiahrt
Reyes	Serrano	Tiberi
Richardson	Sessions	Tierney
Rodriguez	Sestak	Titus
Roe (TN)	Shadegg	Tonko
Rogers (AL)	Shea-Porter	Towns
Rogers (KY)	Sherman	Tsongas
Rogers (MI)	Shimkus	Upton
Rohrabacher	Shuler	Van Hollen
Rooney	Shuster	Velázquez
Ros-Lehtinen	Simpson	Visclosky
Roskam	Sires	Walden
Ross	Skelton	Walz
Rothman (NJ)	Slaughter	Waters
Roybal-Allard	Smith (NE)	Watson
Royce	Smith (NJ)	Watt
Ruppersberger	Smith (TX)	Waxman
Rush	Smith (WA)	Weiner
Ryan (OH)	Snyder	Welch
Ryan (WI)	Souder	Westmoreland
Salazar	Space	Whitfield
Sánchez, Linda T.	Speier	Wilson (OH)
	Spratt	Wilson (SC)
Sanchez, Loretta	Stark	Wittman
Sarbanes	Stearns	Wolf
Scalise	Stupak	Woolsey
Schakowsky	Sutton	Wu
Schauer	Tanner	Yarmuth
Schiff	Taylor	Young (FL)
Schmidt	Teague	
Schock	Terry	

NAYS—2

Paul	Young (AK)

NOT VOTING—21

Barrett (SC)	Hastings (WA)	Pingree (ME)
Campbell	Hinojosa	Radanovich
Carson (IN)	Hoekstra	Sullivan
Dahlkemper	Jackson Lee (TX)	Turner
Davis (AL)		Wamp
Deal (GA)	Markey (MA)	Wasserman Schultz
Fallin	Massa	
Garamendi	Pascrell	

□ 1640

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.

Stated for:

Mr. MARKEY of Massachusetts. Madam Speaker, on rollcall No. 83, I did not vote, but intended to vote "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRIGHT). 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 in the week.

□ 1645

CONGRATULATING NFL CHAMPION NEW ORLEANS SAINTS

Mr. MELANCON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1079) congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1079

Whereas, on February 7, 2010, the New Orleans Saints defeated the Indianapolis Colts by a score of 31 to 17 to win the National Football League (NFL) Championship;

Whereas the Saints' victory is the first championship in the franchise's 43-year history;

Whereas the 2009 season was the best in Saints franchise history, including an unprecedented 13-game winning streak;

Whereas Saints owners Tom Benson and Rita Benson LeBlanc have invested in the success of the Saints and have been remarkable in revitalizing this storied franchise and promoting a strong and united New Orleans and Louisiana;

Whereas Saints General Manager Mickey Loomis has been successful in building an outstanding team by drafting new players and signing key free agents;

Whereas Doug Thornton, Senior Vice President of Stadiums and Arenas, helped the Saints return to New Orleans through his integral role in rebuilding the Superdome after Hurricane Katrina;

Whereas Coach Sean Payton, with the help of Defensive Coordinator Gregg Williams, Offensive Coordinator Pete Carmichael, Jr., and all of the Saints' coaching staff, led the team to its first National Football Conference (NFC) Championship and first ever Super Bowl victory through leadership and a winning philosophy;

Whereas the Saints led the league with an average of 31.9 points and 403.8 yards per game during the 2009 regular season;

Whereas, in the 2009 regular season, the Saints eclipsed team records in most points and most touchdowns in a season and most interceptions returned for a touchdown in a game;

Whereas Saints quarterback Drew Brees set an NFL record by completing 70.6 percent of his passes during the 2009 regular season;

Whereas Drew Brees, Darren Sharper, Jahri Evans, Jonathan Vilma, and John Stinchcomb of the Saints were named to the 2010 NFC Pro Bowl squad;

Whereas Drew Brees was named the Most Valuable Player for Super Bowl XLIV;

Whereas during Super Bowl XLIV—

(1) the Saints accumulated a total of 332 yards;

(2) quarterback Drew Brees passed for 288 yards, threw 2 touchdowns, and tied a Super Bowl record with 32 pass completions;

(3) Marques Colston led the Saints in receiving with 7 catches for 83 yards;

(4) Saints kicker Garrett Hartley set a Super Bowl record with 3 field goals of over 40 yards each; and

(5) Thomas Morstead's perfectly executed onside kick to start the second half and Tracy Porter's 74-yard interception for a touchdown late in the fourth quarter were integral in the Saints' victory and will forever be remembered by the ''Who Dat'' faithful;

Whereas Saints owner Tom Benson, during the Lombardi Trophy presentation at midfield, said ''Louisiana, by the way of New Orleans, is back. And this shows the whole world. We're back.'';

Whereas the Saints' motto all year has been ''Finish Strong'';

Whereas the Saints repeatedly have been called a beacon of hope for the city of New Orleans and a catalyst for recovery throughout Louisiana and the Gulf Coast Region;

Whereas the Saints have positively influenced and lifted the morale of the people in New Orleans and throughout Louisiana and the Gulf Coast Region;

Whereas the New Orleans Saints are headquartered in the 1st Congressional District of Louisiana in Metairie, Louisiana;

Whereas ESPN's Wright Thompson in his article ''Saints the Soul of America's City'' captured the essence and importance of the Saints to the city of New Orleans and noted the resilience of this year's team by stating, ''It's perfect, isn't it? The expansion team whose first roster was created from players unwanted by other teams has finally found success with a similar group.''; and

Whereas the 2009 Saints are evidence of what can be accomplished when self is set aside and a teamwork mentality is adopted by all of the players: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the New Orleans Saints, the team's coaches and players, and the loyal members of the ''Who Dat'' Nation on winning Super Bowl XLIV; and

(2) recognizes—

(A) the New Orleans Saints as the soul of New Orleans; and

(B) the significant contributions made by the team in the recovery efforts of New Orleans, Louisiana, and the Gulf Coast Region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MELANCON) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. MELANCON).

GENERAL LEAVE

Mr. MELANCON. Mr. 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 Louisiana?

There was no objection.

Mr. MELANCON. Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 1079 for consideration. This resolution congratulates the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history.

House Resolution 1079 was introduced by my friend and colleague, Representative JOSEPH CAO of Louisiana, on February 9, 2010, and enjoys the support of over 70 Members of Congress.

Mr. Speaker, on February 7, 2010, after a hard fought and dramatic game, the New Orleans Saints, playing in their first ever championship game, defeated the Indianapolis Colts by a score of 31–17 to win Super Bowl XLIV. The victory is the first championship in the Saints' 43-year history and caps a truly remarkable season for the franchise. The Saints finished the regular season with a franchise best 13 wins and 3 losses.

During the 2009 season, they led the National Football League in average points per game and yards per game. Furthermore, the 2009–2010 Saints set franchise records for most points and most touchdowns in a season, as well as most interceptions returned for a touchdown in a single game. Still, it

was during the Super Bowl that the Saints truly distinguished themselves as the best team in the NFL. Despite facing a formidable opponent in the Indianapolis Colts, led by a New Orleans native, Peyton Manning, the Saints relied on head coach Sean Payton's aggressive game plan and the outstanding play of starting quarterback Drew Brees to win the game.

Brees, who was named Super Bowl MVP, passed for 288 yards, threw two touchdown passes, and tied a Super Bowl record with 32 pass completions. Along with Brees' impressive performance, Saints kicker Garrett Hartley set a Super Bowl record by making three field goals of over 40 yards. The Saints also successfully executed a risky onside kick to start the second half of the game. And Tracy Porter's—a Port Allen native—74-yard interception return for a touchdown ensured the Saints' victory.

The New Orleans Saints' success in Super Bowl XLIV stands as a testament to what can be achieved through hard work, dedication, and a never-say-never spirit. In fact, the Saints' motto throughout the 2009–2010 season was ''Finish Strong.'' And they certainly did. The Saints' commitment to teamwork and to the achievement of excellence is both inspiring and commendable.

Furthermore, their victory has helped raise the spirits of the City of New Orleans and the entire State of Louisiana in the midst of the region's continued reconstruction efforts following Hurricane Katrina and subsequent hurricanes. For all these reasons, the New Orleans Saints' achievement deserves our praise. And personally, I want to applaud the team's players, coaches, management, and all those who helped them accomplish this historic event.

Mr. Speaker, let us as a body take the opportunity to commend this year's Super Bowl champions through the passage of House Resolution 1079, which congratulates the New Orleans Saints on winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history.

I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1079, congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and bringing New Orleans its first Lombardi Trophy in franchise history. As a New Orleanian and Representative to Congress for Orleans and Jefferson Parishes, I am honored to congratulate the Saints on their historic season.

I want to thank the 22 original cosponsors and 75 total cosponsors of House Resolution 1079 for joining me to congratulate and support the Saints. I would also like to thank my colleagues in the entire Louisiana delegation for their dedication to the recovery of south Louisiana. We have collaborated in Congress on efforts to rebuild our region, and I hope to continue working with them in the future.

The Saints' motto all season has been ''Finish Strong.'' And they did that very thing with a 31–17 victory over the Indianapolis Colts in Super Bowl XLIV. The Saints' Super Bowl victory not only shows the dedication and hard work of the organization, coaches, and players, but also represents a beacon of hope for the City of New Orleans and a catalyst for recovery throughout Louisiana. House Resolution 1079 emphasizes the positive influence that the Saints have had on people in New Orleans and the Gulf Coast region.

I introduced House Resolution 1079 to congratulate the Saints because for the past 5 years the Saints have symbolized the City of New Orleans through their pride, resiliency, traditions, suffering, faith, loyalty, and hope.

This resolution congratulates Saints owners Tom Benson and Rita Benson LeBlanc for their investment in the future of the Saints and their dedication and commitment to a strong and united New Orleans. This resolution also congratulates Doug Thornton, Senior Vice President of Stadiums and Arenas, for helping the Saints return to New Orleans by playing an integral role in rebuilding the Superdome after Hurricane Katrina.

House Resolution 1079 also brings attention to the individuals who made this season a success. I want to specifically thank head coach Sean Payton for his love and commitment to the people and the City of New Orleans, and to congratulate him in being the lone head coach in Saints history to open a season with 13 straight wins and holding the all-time winning percentage record for a Saints head coach.

This resolution also highlights statistics from the Saints' regular season and Super Bowl XLIV, such as Drew Brees completing 70.6 percent of his passes during the regular season, which is an NFL record; Darren Sharper setting an NFL record for most interception return yardage in a regular season with 376 yards; the Saints leading the league in 2009 with 31.9 points per game and 403.8 yards per game; the 2009 Saints surpassing team records for most points in a season, most touchdowns in a season, longest winning streak, most interception return yards, and most interceptions returned for a touchdown in a game.

Other statistics from Super Bowl XLIV were Drew Brees setting a Super Bowl record with 32 pass completions, Marques Colston leading the Saints in receiving yards with 83, the team rushing for a total of 51 yards on 18 carries, and Garrett Hartley setting a Super Bowl record with three field goals of over 40 yards.

For the past several months, I have been reading statements on the House floor about the importance of the Saints and their positive impact on New Orleans and I want to continue that tradition with a few statements from my district.

Ms. Loretta Brehm writes, ''The whole Saints organization exemplifies leadership, professionalism, and a 'never give up attitude.' They have brought together all parts of our community, regardless of race, religion, or economic status. Much has been given to our community by their generous spirit and positive actions. If we as a community can model from their success, there is no limits to what we can accomplish.''

Ms. Melissa Smith writes, ''All those involved with the Saints organization took a chance on the City of New Orleans. Doug Thornton performed a miracle and ensured that the team had a facility to play in. The Bensons returned the team to New Orleans. And the team as a whole provided an avenue for all of us to come home and gave us the faith we need to overcome certain odds.''

New Orleanians remark about the resurgence of the team and how they spur the resurgence of the city. ''The New Orleans Saints gave this city hope during a time when we didn't have this hope in ourselves. They provided people with a plan that depends on discipline, dedication, and determination. We may be tired and poor right now, but we are contenders. We are New Orleans. We are America.''

I reserve the balance of my time.

Mr. MELANCON. Mr. Speaker, I yield 2 minutes to my friend from Indiana (Mr. CARSON) to express his gratitude for the New Orleans Saints winning. I think that is what he wants to say.

Mr. CARSON of Indiana. Mr. Speaker, I come here today as a proud American, a proud Hoosier, and most importantly a proud Colts fan. But I also come donning a New Orleans Saints tie given to me by my friend and colleague, Representative SCALISE of Louisiana, based on an agreement that was made between the both of us. The Indianapolis Colts indeed are a legendary team. Yes, they are iconic and a juggernaut in their own right, but I too must acknowledge the Saints great ability on the football field in winning the Super Bowl. And I want to commend the New Orleans Saints, as well as the residents of Louisiana, for their resilience in a time of great trial, and just to tell them to keep up the great work, Who Dat, and Go Colts.

Mr. CAO. Mr. Speaker, I would like to yield 1 minute to my good friend from Indiana, Mr. DAN BURTON. He and I entered into a little bet, and the bet was 5 pounds of Indiana steaks for 5 pounds of Louisiana shrimp. And I must say this past weekend the steaks were very, very delicious.

Mr. BURTON of Indiana. This may take more than 1 minute, Mr. CAO. But let me just say that I have been in Congress a long time, and this truly is one of the most humbling moments of my career. I was so confident that the Indianapolis Colts were going to beat the Saints that you wagered 5 pounds of

shrimp against 5 pounds of Fisher Farms steaks from Jasper, Indiana. And I was so confident that I was going to be eating shrimp, I invited all my friends in and bought a bunch of shrimp sauce. And now I have got enough shrimp sauce for 5 pounds of shrimp and no shrimp. So it is a humbling experience.

What really adds insult to injury, though, is your quarterback, Drew Brees, went to Purdue University in Indiana. It is almost unholy for him to do that to us. And the second thing is the fellow that intercepted the pass that won the game for you went to Indiana University. I just don't understand this. The gods just weren't looking at us favorably that day. But in all seriousness, I hope you don't choke on that steak you got from me. I hope you enjoy it.

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

Mr. CAO. I yield the gentleman 1 additional minute.

Mr. BURTON of Indiana. This is a great time for New Orleans. They have had some real tough times over the past several years. And I think Drew Brees and that team really does them proud. And if any team was going to win the Super Bowl other than the Colts, I am glad it was the New Orleans Saints. So congratulations. But let me just end by saying this: We will be back next year.

Mr. MELANCON. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman has 16 minutes remaining.

Mr. MELANCON. Let me just start by saying in New Orleans we have what is known as the Who Dats. That is the people that have been loyal since day one. We now have in New Orleans a group called the Renew Dats, which is the group that wasn't sure every year, and the Saints had to try and prove themselves. And we now have a group of people in New Orleans and Louisiana and in the South and in the Nation for that matter called the New Dats, who have now become believers in the Saints.

My 92-year-old mother-in-law has been a fan of the Manning family, since she comes from North Mississippi, and it took her until Super Bowl Sunday morning to reconcile how she handled the daughters, particularly the one that lives in Louisiana, my wife, and the New Orleans Saints versus the Baltimore Colts and Peyton Manning. That Sunday morning she called her daughter and said, ''Peachy, I figured it out. Peyton has a Super Bowl ring, so I will pull for the New Orleans Saints today.'' And Peachy turned around and said, ''It looks like we're going to win it.''

So with that, New Orleans has seen an historic occasion. It is euphoric in its mood. It is in a new time, if you would, because of the excitement, the love of the franchise, the team players themselves, the coaches, and the people that have made this such a great and wonderful year.

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

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to my distinguished colleague from the State of Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank my friend, Mr. CAO, for proposing this resolution, and for having this debate today, and certainly other members from our delegation.

Let me just say parenthetically, in response to our good friend from Indiana (Mr. BURTON) that there is another irony that goes along with this as well, and that is that Peyton Manning, the quarterback for the Colts, is the son of none other but Archie Manning, who was present for the Saints from the very beginning of its franchise. So we have ironies boiling over here.

What I would like to do is congratulate the World Champion New Orleans Saints on winning the franchise's first Super Bowl. The New Orleans Saints beat the Indianapolis Colts by a score of 31–17 on February 7, 2010. The Saints are an inspiration to all of us on and off the field.

After not playing a single game in their home stadium in 2005 after Hurricane Katrina, the Saints came back in 2006 to a revitalized Superdome and carried that momentum to rebuilding a city and its people. The team donated money to charities and their time into renewing their city. The adversity they overcame is enormous, but the hope they gave was even greater. I certainly congratulate the Saints on winning Super Bowl XLIV, and I also welcome everyone in America to the Who Dat Nation.

□ 1700

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to my dear friend from Louisiana (Mr. CASSIDY). He has been a wonderful friend as well as a wonderful supporter of me in the past year.

Mr. CASSIDY. I thank the gentleman from Louisiana.

Mr. Speaker, I rise today in support of Mr. CAO's resolution, honoring the Super Bowl champion, the New Orleans Saints. You know, I remember as a child watching the Saints play in the old Tulane football stadium. And between the time I was a child and now, there have been some rough times. But this year was different. They started off with 13 wins. They had three hard-fought postseason victories.

I am especially pleased to say that the victory in the NFC championship and Super Bowl was due in great part to decisive interceptions by Tracy Porter, who played football at Port Allen High School in West Baton Rouge Parish. I represent that area. And Mr. BURTON is right, he went to Indiana. But to atone the sin of doing so, he came back and had a Pick Six against the Colts. Mr. Porter, by the way, has also participated, in the week going up to the Super Bowl, in a relief effort for the victims of the Haiti earthquake. So not only is he a great football player but is also a fine person.

That said, good things do come to those who wait. No one knows that better than the Who Dat Nation. Congratulations to the players, coaches and of course the Saints fans back home in Louisiana and across the country.

Mr. CAO. Mr. Speaker, I cannot find a more ardent Saints fan than the next speaker, Mr. STEVE SCALISE. He represents about 10 percent of New Orleans and a good part of Jefferson Parish. And most of the fans of New Orleans comes from the parishes that Mr. SCALISE represents.

I yield 5 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Speaker, I want to thank Mr. CAO, my colleague from New Orleans, for bringing the resolution. It's really a special time. If you have been in and around the city of New Orleans—and of course so many people have been focused on New Orleans in looking at the bad things that happened to our city after Hurricane Katrina. But we've had such an outpouring over the years of people who have been rooting for and pulling for the city to come back. I think what's been the most special thing about this past year with the Saints in their success that they've had on the football field is that it's really galvanized the city, but it's also galvanized the rest of the country.

I brought a football here, it has the Super Bowl logo, and it represents the fact that the Saints won the Super Bowl. And of course here we're today congratulating the Saints on winning the Super Bowl. But this victory was much more than a football game. Not only do I remember back during the years that my dad took me to Tulane Stadium when I was a little kid, and as my colleague, Congressman CASSIDY, talked about some of those leaner years, I think it's the resilience of the team, but it really starts at the top.

We would be remiss if we didn't emphasize the importance to our community that the owner, Tom Benson, has meant. The fact that he bought the team back in the 1980s, but then the fact that even through some of those tough years, he made a dedication to excellence, that he was going to build a team—and he said it many times—that would win a Super Bowl. And there were a lot of people that wondered if that would ever happen. There were a lot of people that were crying in the city of New Orleans not only when the Saints won the NFC championship game, but when the Saints went to the Super Bowl and won the Super Bowl, because there were so many who just thought it never would happen. But it did happen.

I think the Times-Picayune, our local paper, said it best the morning after the Super Bowl victory. The headline was ''Amen'' because many people's prayers were answered. Of course, the Saints are named after the

saints. I think we had a lot of prayers from above, but those prayers were answered.

In a lot of ways, those prayers were answered by the organization that Tom Benson and his wife Gayle and his granddaughter Rita Benson LeBlanc and Dennis Lauscha and so many others with the Saints organization who made that commitment to build a world-class football team. And if you just go through and you look at some of the great talent that's been amassed now, you start with the coach, Sean Payton. He did one of the more unselfish acts of actually giving up some of his own salary to bring in a defensive coordinator who truly helped transform that defense into what so many people saw and admired on the field.

But I think that as I talk about a few of the players that I really want to feature and commend, it's not so much the acts that they did on the field because we saw what they did on the field, and it inspired people in the city of New Orleans. It inspired people all across the Nation. And Drew Brees winning the MVP and putting up record numbers and 32 completions, a Super Bowl record. And Garrett Hartley with three-for-three field goal attempts and three over 40 yards, setting a Super Bowl record.

And who can forget Tracy Porter's interception return for a touchdown? And of course the gutsy call that Sean Payton made to start the second half to do an onsides kick. All of those were great plays. But it's what the Saints have done off the field that has really formed a unique bond between the Saints and their fans, and it's something that we've seen after Katrina.

You know, for those of us who were in the Super Bowl that night in 2006 for the Atlanta Falcons game when they reopened the dome, when people said the Superdome would never open again; when many people said New Orleans would never have an NFL team again, in fact, when many people said that New Orleans wasn't going to come back, that really was one of those watershed moments that galvanized the city, and it told so many other people that they could come back, they could rebuild because the Saints came back. Since then, they've served as great role models off the field, and that's something important because we don't see that enough in sports.

But Sean Payton's got a Payton's Pay It Forward Foundation, and he has donated hundreds of thousands of dollars to do great things in the community, giving money to other organizations that do great things in the community. We've seen Drew Brees. And of course Drew Brees, he has gotten so many accolades on the field. But off the field, he has gotten accolades as well. His Brees Dream Foundation has donated $4.5 million to various causes throughout the city, done wonderful things, helped young kids. He was the 2006 Walter Payton Man of the Year, just an incredibly high-quality person who has gotten involved in the community.

I want to talk about Reggie Bush finally. Today, by the way, is Reggie Bush's birthday. Reggie Bush wears number 25 on the field, and today is his 25th birthday. So we want to say happy birthday to Reggie Bush. But through Reggie Bush's 619 Foundation, he has donated hundreds of thousands of dollars to the community. And in fact, Tad Gormley Field, which is a field where many of the high schools in New Orleans play their football games, he donated $86,000 to rebuild that field after Katrina so that so many young people not only can look up to athletes as role models but also can have the opportunity to go and participate and learn about sports.

So it's been an incredible opportunity. We appreciate what the Saints have done on the field, but we also appreciate what Tom Benson and his leadership and the team have done off the field too.

Mr. CAO. Mr. Speaker, I would like to yield 2 minutes to the distinguished Member from the State of Louisiana, Dr. BOUSTANY. Dr. BOUSTANY has been a wonderful friend to me as well as a wonderful mentor, and it's always good to know that there will always be a great person for me to lean on.

Mr. BOUSTANY. Mr. Speaker, I thank my friend and colleague Mr. CAO for giving me time and for bringing this resolution to the floor which I wholeheartedly support, congratulating the New Orleans Saints for winning Super Bowl XLIV and bringing this long overdue NFL championship to south Louisiana.

You know, I was talking to some businessmen back home in my district who told me after the victory that they're starting to see out-of-state business opportunities come up as a result of the new-found spirit that's come about following this great Super Bowl victory, and it's a wonderful thing for Louisiana.

After 43 years without reaching the Super Bowl, the Saints did it. They finally did it, and it's been a great victory for all of us. It's great for our State. Leading that charge was Super Bowl MVP quarterback Drew Brees, who completed 32 out of 39 pass attempts for 288 yards, two touchdowns. And Louisiana native Tracy Porter, whose 74-yard interception returned for a touchdown sealed this game.

But I am really especially proud of one player from my district. He is a graduate of Opelousas High School, wide receiver Devery Henderson. He is in his sixth season with the Saints. He caught 68 passes for 867 yards this year and four touchdowns, and he played a key role on offense in the Super Bowl, catching seven important passes for a total of 63 yards.

This is truly a very special occasion for the Who Dat Nation, all of our Saints fans in Louisiana and around this great country. We want to honor Sean Payton for his genius and what he has brought to the Saints organization, and for the entire Saints family, the organization, for what they've done for New Orleans and the rest of the Saints. We are exceedingly proud of what has happened. We commend the families and the players, the coaches and the support staff and the loudest and most loyal fans of all, the Who Dat Nation.

Mr. CAO. I thank the gentleman very much. And because the Saints have been so important to my constituents, I will be making official copies of the resolution to be available to them. They can receive a copy by contacting my office in Washington or New Orleans.

I want to close with a prayer for the Saints, delivered by Archbishop Philip Hannan at the first Saints and Sinners Banquet in 1968. It reads:

''Our heavenly Father, who has instructed us that the 'saints by faith conquered kingdoms and overcame lions,' grant our Saints an increase of strength and faith so that they will not only overcome the Lions, but also the Bears, the Rams, the Giants, and even those awesome people in Green Bay. May they continue to tame the Redskins and fetter the Falcons as well as the Eagles. Give to our owners and coaches the continued ability to be as wise as serpents and simple as doves, so that no good talent will dodge our draft. Grant to our fans perseverance in their devotion and unlimited lung power, tempered with a sense of charity to all, including the referees. May our beloved Bedlam Bowl be a source of good fellowship, and may the 'Saints Come Marching In' be a victory march for all, now and in eternity.''

Mr. Speaker, I rise today in honor of the great city of New Orleans and our great State of Louisiana, and her beloved Super Bowl Champions, the New Orleans Saints. The bond between this great city and her team is a special one indeed. In the past few years, both have worked together hand in hand to rebuild and inspire our city. No players in the NFL and their community have had a greater bond and love for each other then do ours. Because, from out of the devastation of Katrina, we have all grown and cried together . . . and so has our love for each other. The Saints season this year in many ways has mirrored New Orleans and its climb from out of the abyss. This year's Super Bowl was not only one of the greatest, but also the largest watched event in the history of television. I ask that this poetic tribute penned by Albert Caswell of the Capitol Guide Service be placed in the RECORD in honor of them.

Fat Sunday,
When, Dat Da Saints Came Marching In!
A day they'll long remember, as The Football God's will contend there!
When a Cool Brees blew into town . . . as number ''9'', Drew, and gunned . . . Gunned Da Colts Down!
As The Saints corralled em, and put em out to pasture . . . a real ''Who Dat?'' Disaster!
You see, everybody was dissing . . . this Cajun Country's football team's edition. . .
But, from this City of The Saints . . . where pain and heartache has so been. . .

When, came a rising . . . as a team and a city rebuilding, with but tears in eyes then, their dreams realizing!
For in this land of The Bayou, where hope and dreams and faith somehow never ends . . . Why Who!
As the Colts came into town, as everyone thought they were the real studs to be found. . .
But, from those ocean breezes . . . you could hear those ''Who Dat'' heart's a beating!
Fat Sunday, When Dat Da Saints Came Marching In. . .
Getting behind early, when Coach Payton . . . said Don't Do Dat . . . Worry!
As Garrett was showing his Hartley, kicking two fields in the first half . . . To Do Dat his part, he!
An onside kick by Morsted, playing to win! Be Bold! For that's how the coach has always been!
As The Saints Came Marching In!
As Drew Daddy, took em down the field . . . so cool and so unreal . . . as he refused to yield!
As the defense was Vilmanizing, all those horses, making them losing stride then. . .
Leaving the Colts offense, with but tears in their eyes then!
For on the bench it so seemed, like Peyton . . . lost his dream. . .
Was forever waiting . . . awaiting to get in. . .
As Thomas showed his promise, as number ''23'' went 16 yds for a TD. . .
When, in the 4th quarter, touchdown . . . as The Shockey treatment was in order. . .
As it was getting close . . . with Peyton, moving in for the tying score . . . it meant the most!
As he threw the ball, you could hear his heart call . . . ''WHO DAT?''
As it was number ''22'' Porter, saying Peyton, your our of order!
Running the ball back, all the way back to The French Quarter. . .
Gator Got You Manning! As Archie cried . . . When I played, where were you guys then?
As it was one heck of a game, with courageous hearts like Fereeny to be seen. . .
As a City on this night, took one more giant step towards the light!
And Healing It Would Seem!
With, all of that darkness of a past . . . she could smile and she could laugh. . .
And, let it be said, no more paper bags over heads . . . for The Saints. . .
ARE NOT THE AINT'S . . . ANYMORE!
And the world so surely knows, Who Dat? Who Da Does?
Dat Da Saints! Dat Da World Championaints!

Mr. Speaker, I rise today in support of House Resolution 1079—Congratulating the New Orleans Saints for winning Super Bowl 44 and bringing this long overdue NFL championship to South Louisiana.

After 43 years without reaching the Super Bowl, the Saints defeated the AFC Champion Indianapolis Colts 31 to 17 on February 7th to grasp their 1st Lombardi Trophy in franchise history.

Leading the charge was Super Bowl MVP Quarterback Drew Brees, who completed 32 out of 39 pass attempts for 288 yards and 2 touchdowns—and Louisiana native Tracy Porter, whose 74-yard interception return for a touchdown sealed the game for the Saints.

I am especially proud of one player from my district, Opelousas High School graduate—Wide Receiver Devery Henderson. In his 6th season with the Saints, Devery caught 58 passes for 867 yards and 4 touchdowns. He was also an offensive centerpiece in the Super Bowl, catching 7 key passes for a total of 63 yards.

This championship is very special to Saints fans, also known as the Who Dat Nation, and the great State of Louisiana. It is my honor to recognize Coach Sean Payton and the 2009 New Orleans Saints for all of their accomplishments this season and for bringing home the Lombardi Trophy which Coach Payton has yet to let out of his sight.

I also want to commend the families of these players, coaches and support staff, and the loudest and most loyal fans in the NFL.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. MELANCON) that the House suspend the rules and agree to the resolution, H. Res. 1079, 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. CAO. 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.

AMERICA SAVES WEEK

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1082) supporting the goals and ideals of the fourth annual America Saves Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1082

Whereas financial security is one of the most important issues for most Americans, whether it involves saving for a college education, an unforeseen emergency, a house, or for retirement;

Whereas personal savings as a percentage of disposable income has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009, according to the Bureau of Economic Analysis;

Whereas according to the Employee Benefit Research Institute, the percentage of workers very confident about having enough money for a comfortable retirement fell to 13 percent in 2009, down from 18 percent in 2008, and more workers expect to work longer to supplement their income in retirement;

Whereas older Americans are more likely to live within 200 percent of poverty than any other age group, according to the 2009 Employee Benefit Research Institute's Databook, and more than 60 percent of the current elderly population relies on Social Security for over three-fourths of their annual income, according to a 2009 Social Security Administration report;

Whereas the average savings of retirees remains at $50,000 according to the Federal Reserve Board's Survey of Consumer Finances for 2007, and recent financial instability has diminished those funds;

Whereas America Saves, managed by the Consumer Federation of America, was established nine years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American Savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security;

Whereas over 2,000 local, State, and national organizations, including government agencies, financial institutions, and nonprofits, have motivated more than 245,000 people to enroll as American Savers through events such as financial literacy classes, financial fairs, free tax preparation assistance programs, and deposit campaigns; and

Whereas encouraging automatic and habitual savings is a primary focus for this year's America Saves Week, February 21, 2010, through February 28, 2010, and that focus is reflected in the work of the Financial and Economic Literacy Caucus, America Saves, and American Savings Education Council's Choose to Save Campaign: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of savings to financial security;

(2) supports the goals and ideals of ''America Saves Week''; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, non-profit organizations, businesses, other entities, and the people of the United States to observe America Saves Week with appropriate programs and activities with the goal of increasing the savings rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation and to insert extraneous materials thereon.

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself as much time as I may need at this point.

I rise today in strong support of House Resolution 1082, which supports the goals and ideals of the fourth annual America Saves Week, which was held February 21 through February 28 of this year.

Mr. Speaker, the primary focus of this year's America Saves Week is encouraging automatic and habitual savings, a great need at this time in the history of our country. This is a theme that is reflected in the work of our Financial and Economic Literacy Caucus; the Treasury's Office of Financial Education; as well as the Financial Literacy Education Commission; and Federal agencies and nonprofit community-based groups, private sector organizations, the Consumer Federation of America, and the Employee Benefits Research Institute and its American Savings Education Council ''Choose to Save'' campaign, a wonderful coalition

of great Americans who are focusing us on a great need today.

□ 1715

Mr. Speaker, financial literacy is one of the most important issues for Americans today, whether it involves saving enough money for our children's college education, saving for an unforeseen medical or family emergency, a house, maybe a car, or one's retirement.

The current economic instability in our Nation today highlights even more to all Americans the necessity of having a savings plan, some emergency savings, and the value of making savings automatic.

Research has found that there are higher- and middle- and lower-income savers; and there are spenders, middle, higher, and lower, and almost all have the ability to build wealth through contributions to workplace retirement programs, building home equity, and other savings, if nothing more than just a simple savings account starting at a very young age for our children to get them in the habit of saving.

Older Americans are more likely to live within 200 percent of poverty than any other age group, and more than 60 percent of the current elderly population relies on Social Security for three-fourths of their annual income. And what I find even more alarming, Mr. Speaker, is that the average savings of retirees remain at $50,000, and the current financial crisis is draining these funds every day; hence, the need to help address the financial challenges that older Americans face.

To shed light on all of these shortcomings, as well as provide ways to address them, America Saves, managed by the Consumer Federation of America, was established 9 years ago as an annual nationwide campaign that encourages consumers, especially lower-income households, to enroll as American savers and establish a personal savings goal in an effort to build personal wealth and to enhance financial security. Nothing is more important than savings.

America Saves now has 53 local, State, and national campaigns working with over 500 mainstream financial institutions that provide no-fee or low-fee or low-opening-balance savings accounts that allow small savers to achieve great success. Government and nongovernment entities at the local, State, and national levels organize America Saves campaigns to encourage individuals to open savings accounts, to participate in workplace retirement programs, and to devise a good savings plan. As a result of America Saves, over 1,000 local, State, and national organizations have motivated more than 145,000 people to enroll as American savers.

I am very pleased that Federal agencies, States and localities, schools, nonprofit organizations, business and other entities, and the people of the United States of America observe the fourth annual America Saves Week with a goal of increasing the savings rate for individuals of all ages and all walks of life.

So, Mr. Speaker, I want to take this opportunity to thank Chairman BARNEY FRANK and the staff of the Financial Services Committee for their assistance in bringing this important resolution to the floor, especially Rick Maurano and Tom Duncan.

I also want to express my sincere appreciation for all that my good friend, Congresswoman JUDY BIGGERT, has done. She has been at the forefront of literacy for many years. In terms of her entire service here in the Congress, JUDY BIGGERT has been in a leadership role on financial literacy and the importance of saving, and has worked over the years to help improve the financial literacy rate of all individuals across these United States at all stages of life. Mrs. JUDY BIGGERT certainly deserves our commendation. She and Congressman RUBÉN HINOJOSA cofounded and currently cochair the Financial and Economic Literacy Caucus, of which I am a member.

Congressman HINOJOSA could not be with us here today because yesterday was the Texas primary. I am pleased to announce to all of us that he won his primary yesterday. So congratulations to Congressman HINOJOSA, and we are glad to move on and carry this torch in his stead today.

I also want to take this opportunity to thank Congresswoman BIGGERT's staff, Nicole Austin and Zach Cikanek, as well as Chris Crowe on Congresswoman EDDIE BERNICE JOHNSON's staff. The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) has done an admiral job in pushing this legislation and she deserves to be commended for all of her hard work in this area, and what they all are doing, what we all are doing to help the financial and economic Literacy Caucus attain its goals. This is a tremendous bill for a tremendous purpose.

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

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

I thank the gentleman from Georgia (Mr. SCOTT) for his kind words and all he does in the Financial Services Committee on this type of issue and for his management of this resolution.

I rise today to join not only Mr. SCOTT but also my good friend, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), in support of this year's resolution making the fourth annual America Saves Week. I am pleased to join Congresswoman JOHNSON as a cosponsor of the resolution, and I urge my colleagues to give it their full support.

Mr. Speaker, as most of my colleagues are aware, I have been working for some years now to make financial literacy a top priority both in the classroom and here on Capitol Hill. In 2005, I joined the gentleman from Texas (Mr. HINOJOSA), a cosponsor of today's resolution, to form the Financial and Economic Literacy Caucus to help equip students and consumers with the tools that they need to prosper in today's sophisticated marketplace.

Since then, the term ''financial literacy'' has become an integral part of our legislative lexicon, especially as the need for financial literacy has become clearer than ever with more and more American families relying on depleted savings to weather this period of financial hardship. When it comes to preparing against economic uncertainty, recognizing deceptive practices, building credit, or making dozens of other day-to-day financial decisions, nothing protects consumers and their financial security more effectively than arming them, even as young students, with a sound foundation in financial literacy, and that lesson begins with saving.

Sixty percent of preteens do not even know the difference between cash, credit cards, and checks; and yet only 26 percent of students are actively learning financial literacy from their parents. It is little wonder why 10 million U.S. households remain completely unbanked or without access to standard financial tools like a savings account. And that is what makes initiatives like America Saves Week important. It represents a special opportunity for financial leaders, from the FDIC and the Federal Trade Commission to the University of Illinois and the Jump$tart Coalition, to share important resources and lessons with future savers who may be able to ride out the next financial downturn, buy a home, or retire more comfortably thanks to the financial tools they gained access to today.

As the text of today's resolution suggests, the national savings rate has risen slightly as Americans spend more conservatively in the down economy. But as we recover, the next step must be to help families set goals, plan effectively, and invest wisely during those times when they are most able to build an economic buffer against future needs.

Mr. Speaker, I would like to take a brief moment here to urge my colleagues to consider joining the Financial and Economic Literacy Caucus, if they haven't already, by contacting either me or my distinguished cochairman, Mr. HINOJOSA.

As my colleagues are aware, just last week, the FTC teamed with our caucus to showcase consumer protection resources available to our constituents across America. Now we are getting ready for another exciting Financial Literacy Month, this April, with events and briefings to help Americans of all ages educate themselves on how to become more confident, savvy, and safe investors and consumers. I hope every Member will be able to find time to participate or send staff to learn more about how Members of Congress can help promote financial literacy in their own way.

And I would also like to take a moment to honor a departed colleague and friend, the late Congresswoman Stephanie Tubbs Jones. In previous years, she championed this resolution in the House and was a strong advocate for financial literacy through her career. I know that I am not alone in saying that her presence is missed here on the House floor.

Mr. Speaker, let me just say once again that I urge my colleagues to join Congresswoman JOHNSON, Congressman HINOJOSA, and me in supporting this resolution and sound saving habits during America Saves Week and throughout the year.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, it is my pleasure to introduce to you and yield to her such time as she may consume, the sponsor and author of this bill, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who has put in just a tremendous amount of work on this effort. She is certainly to be commended for her hard work and dedication to this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1082, supporting the goals and ideals of the fourth annual America Saves Week, which really runs from February 21 through February 28.

I want to take this opportunity to thank Chairman FRANK for his assistance in bringing this important and timely resolution to the floor. I also would like to thank Congressman HINOJOSA and Congresswoman BIGGERT and Congressman SCOTT for their tireless efforts for consumer protection and financial literacy.

America Saves was established 9 years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security.

America Saves focuses on saving, a focus which creates a national culture of financial responsibility, which is incredibly important in these difficult economic times. I believe that a financially literate public is a key component to having a strong and robust economy. We really are only as rich as our poorest citizens.

Resolutions like America Saves promote broad-based financial literacy initiatives and are absolutely necessary for the well-being of our country. A recent survey done by the National Foundation for Credit Counseling has shown that only 42 percent of adults say they keep close track of their spending, and roughly 7 percent of the adult population, or about 16 million people, don't know how much they spend on food, housing, and entertainment.

Other statistics show even more distressing trends: 26 percent of the adults, or 58 million people, admit to not paying all of their bills on time, and 6 percent of the households carry credit card debt of $10,000 or more from month to month.

I am always surprised to hear statistics like this. It is alarming because they are very simple things that people can do to save money and lead more financially stable lives.

My father said to me when I was a little girl: Whatever you make, large or small, save some of it. That really started me with a little trend, so now for the last 40-plus years, I give a piggy bank to all newborns of my family and friends so that saving money becomes an institutionalized activity for small children.

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And there is some good news; personal savings, as a percentage of disposable income, has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009. And I might say, Mr. Speaker, that that is one of the reasons why the economy is not that great, because people are saving their money.

It is important to provide the public with education on financial matters and developing unbiased and successful financial literacy programs, and that will only increase in importance in the coming years. I hold very frequent summits and workshops on financial literacy with adults throughout the Dallas area, and our Dallas Independent School District has made it now a part of the curriculum. So I want to acknowledge and thank all the people involved.

Again, I would like to acknowledge former Congresswoman Stephanie Tubbs Jones, who worked hard to improve the overall economic situation for all those residing in the United States.

Mr. Speaker, I believe that together we can continue to make a difference and help empower people to take control of their financial lives. I thank you, I thank all of the people involved.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Indiana, Mr. ANDRE CARSON.

Mr. CARSON of Indiana. Thank you, Representative SCOTT.

Mr. Speaker, I come to the floor in support of House Resolution 1082, supporting the goals and ideals of the fourth annual America Saves Week.

The economy in the last couple of years has increased everyone's awareness of the need to take control of their personal finances. Rather than spending more than they have coming in, households are making a concerted effort to save.

Learning to be a disciplined saver is the key to building wealth. It really does not make a difference how much your paycheck is each month if you're not saving a portion of it for the future. Most importantly, we should be able to teach our kids how to save. They should be able to understand the concept of money and investment in early childhood. This will prepare them to learn money management, especially as they grow older and begin to think about credit cards, car loans, and mortgages.

I also have legislation that will provide grants to programs and financial literacy education for young adults and families, as it is of utmost importance we begin the financial literacy learning process early in life. I applaud this resolution's core principles.

Mrs. BIGGERT. Mr. Speaker, having no further requests for time, I would just, in closing, say I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, having no further requests for time, I yield back the balance of my time, and I would urge a positive vote on this very, very important and timely legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1082.

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.

NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2010

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2554) to reform the National Association of Registered Agents and Brokers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2554

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 Association of Registered Agents and Brokers Reform Act of 2010''.

SEC. 2. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

''Subtitle C—National Association of Registered Agents and Brokers

''SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

''(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the 'Association').

''(b) STATUS.—The Association shall—

''(1) be a nonprofit corporation;

''(2) have succession until dissolved by an Act of Congress;

''(3) not be an agent or instrumentality of the United States Government; and

''(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon a nonprofit corporation

by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301.01 et seq.).

"SEC. 322. PURPOSE.

"The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other nonresident insurance producer qualification requirements and conditions can be adopted and applied on a multi-state basis (without affecting the laws, rules, and regulations pertaining to resident insurance producers or appointments or producing a net loss of producer licensing revenues to States), while preserving the right of States to license, supervise, discipline, and establish licensing fees for insurance producers, and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

"SEC. 323. MEMBERSHIP.

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—Any insurance producer licensed in its home State shall, subject to paragraphs (2) and (4), be eligible to become a member of the Association.

"(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Subject to paragraph (3), an insurance producer is not eligible to become a member of the Association if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year period preceding the date on which such producer applies for membership.

"(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

"(A) the State insurance regulator reissues or renews the license of such producer in the State in which the license was suspended or revoked; or

"(B) the suspension or revocation is subsequently overturned.

"(4) CRIMINAL BACKGROUND RECORD CHECK REQUIRED.—

"(A) IN GENERAL.—An insurance producer shall not be eligible to become a member of the Association unless the producer has undergone a national criminal background record check that complies with regulations prescribed by the Attorney General under subparagraph (L).

"(B) CRIMINAL BACKGROUND RECORD CHECK REQUESTED BY HOME STATE.—An insurance producer who is licensed in a State and who has undergone a national criminal background record check in compliance with such requirements as a condition for such licensure shall be deemed to have undergone a national criminal background record check for purposes of subparagraph (A).

"(C) CRIMINAL BACKGROUND RECORD CHECK REQUESTED BY ASSOCIATION.—

"(i) IN GENERAL.—The Association shall, upon request by an insurance producer licensed in a State, submit identification information obtained from such producer, and a request for a national criminal background record check of such producer, to the Federal Bureau of Investigation.

"(ii) BYLAWS OR RULES.—The board of directors of the Association shall prescribe bylaws or rules for obtaining and utilizing identification information and criminal history record information, including the establishment of reasonable fees required to perform a criminal background record check and appropriate safeguards for maintaining confidentiality and security of the information.

"(D) FORM OF REQUEST.—A submission under subparagraph (C)(i) shall include such identification information as required by the Attorney General concerning the person about whom the record is requested and a statement signed by the person authorizing the Association to obtain the information.

"(E) PROVISION OF INFORMATION BY ATTORNEY GENERAL.—Upon receiving a submission under subparagraph (C)(ii) from the Association, the Attorney General shall search all records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation that the Attorney General deems appropriate for criminal history records corresponding to the identification information provided under subparagraph (D) and provide all information contained in such records that pertains to the request to the Association.

"(F) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—The Association may use information provided under subparagraph (E) only—

"(i) for purposes of determining compliance with membership criteria established by the Association;

"(ii) to disclose to State insurance regulators, or Federal or State law enforcement agencies, in conformance with applicable law.

"(G) APPLICANT ACCESS TO CRIMINAL HISTORY RECORDS.—Notwithstanding subparagraph (F), a producer shall have the right to obtain from the Association a copy of any criminal history record information concerning the producer that is provided to the Association under subparagraph (E).

"(H) PENALTY FOR IMPROPER USE OR DISCLOSURE.— Whoever knowingly uses any information provided under subparagraph (E) for a purpose not authorized in subparagraph (F), or discloses any such information to anyone not authorized to receive it, shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

"(I) RELIANCE ON INFORMATION.—Neither the Association nor any of its directors, officers, or employees shall be liable in any action for using information provided under subparagraph (E) as permitted under subparagraph (F) in good faith and in reasonable reliance on its accuracy.

"(J) FEES.—The Attorney General may charge a reasonable fee to defray the expense of conducting the search and providing the information under subparagraph (E), and any such fee shall be collected and remitted by the Association.

"(K) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State insurance regulator to perform criminal background checks under this section; or

"(ii) limiting any other authority that allows access to criminal background records.

"(L) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this paragraph, which shall include—

"(i) appropriate protections for ensuring the confidentiality of information provided under subparagraph (E); and

"(ii) procedures providing a reasonable opportunity for a producer to contest the accuracy of information regarding the producer provided under subparagraph (E).

"(M) INELIGIBILITY FOR MEMBERSHIP.—

"(i) IN GENERAL.—The Association may, under reasonably consistently applied standards, deny membership to an insurance producer on the basis of criminal history information provided under subparagraph (E).

"(ii) RIGHTS OF APPLICANTS DENIED MEMBERSHIP.—The Association shall notify any producer who is denied membership on the basis of criminal history record information provided under subparagraph (E) of the right of the producer to—

"(I) obtain a copy of all criminal history record information provided to the Association under subparagraph (E) with respect to the producer; and

"(II) challenge the accuracy and completeness of the information.

"(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that—

"(1) bear a reasonable relationship to the purposes for which the Association was established; and

"(2) do not unfairly limit the access of smaller agencies to the Association membership, including imposing discriminatory membership fees on smaller insurance producers.

"(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

"(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

"(2) CATEGORIES.—

"(A) SEPARATE CATEGORIES FOR PRODUCERS PERMITTED.—The Association may establish separate categories of membership for producers and for other persons within each class, based on the types of licensing categories that exist under State laws.

"(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members which are depository institutions or for employees, agents, or affiliates of depository institutions.

"(d) MEMBERSHIP CRITERIA.—

"(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience.

"(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall consider the NAIC Producer Licensing Model Act and the highest levels of insurance producer qualifications established under the licensing laws of the States.

"(3) ASSISTANCE FROM STATES.—

"(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating a prospective member's eligibility for membership in the Association.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

"(4) DENIAL OF MEMBERSHIP.—The Association may, based on reasonably consistently applied standards, deny membership to any State-licensed insurance producer for failure to meet the membership criteria established by the Association.

"(e) EFFECT OF MEMBERSHIP.—

"(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—

"(A) authorize an insurance producer to sell, solicit, negotiate, effect, procure, deliver, renew, continue, or bind insurance in any State for which the member pays the licensing fee set by such State for any line or lines of insurance specified in such producer's home State license, and exercise all such incidental powers, as shall be necessary to carry out such activities, including claims adjustments and settlement, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

"(B) be the equivalent of a nonresident insurance producer license issued in any State where the member pays the licensing fee; and

"(C) subject an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation or suspension of a member's ability to engage in any activity within the scope of authority granted under this subsection and to all

State laws, regulations, provisions and actions preserved under paragraph (5).

''(2) DUPLICATIVE LICENSES.—No State, other than the member's home State, may require an individual member to obtain a business entity license or membership in order to engage in any activity within the scope of authority granted in paragraph (1) or in order for the member or any employer, employee, or affiliate of the member to receive compensation for the member's performance of any such activity.

''(3) AGENT FOR REMITTING FEES.—The Association shall act as any member's agent for purposes of remitting licensing fees to any State pursuant to paragraph (1).

''(4) REGULATOR NOTIFICATION.—The Association shall notify the National Association of Insurance Commissioners (hereinafter in this subtitle referred to as the 'NAIC') or its designee when a producer becomes a member and identify, on an ongoing basis, the States in which the member is authorized to operate.

''(5) PRESERVATION OF STATE CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.—No provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or other action of any State which purports to regulate market conduct or unfair trade practices or establish consumer protections to the extent that such law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle, and then only to the extent of such inconsistency.

''(f) BIENNIAL RENEWAL.—Membership in the Association shall be renewed on a biennial basis.

''(g) CONTINUING EDUCATION.—

''(1) IN GENERAL.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

''(2) STATE CONTINUING EDUCATION REQUIREMENTS.—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than such member's home State.

''(3) RECIPROCITY.—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the member's home State that have been satisfied by the member during the applicable licensing period.

''(4) LIMITATION ON ASSOCIATION.—The Association shall not directly or indirectly offer any continuing education courses for insurance producers.

''(h) PROBATION, SUSPENSION AND REVOCATION.—

''(1) DISCIPLINARY ACTION.—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke such producer's membership in the Association, as the Association determines to be appropriate, if—

''(A) the producer fails to meet the applicable membership criteria of the Association; or

''(B) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator.

''(2) REPORTING TO STATE REGULATORS.—The Association shall notify the NAIC or its designee when a producer's membership has been suspended, revoked, and otherwise terminated.

''(i) CONSUMER COMPLAINTS.—

''(1) IN GENERAL.—The Association shall—

''(A) receive and, when appropriate, investigate complaints from both consumers and State insurance regulators related to members of the Association;

''(B) refer any proper complaint received in accordance with subparagraph (A) and make any related records and information available to the NAIC or its designee and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

''(C) refer, when appropriate, any such complaint to any additional appropriate State insurance regulator.

''(2) TELEPHONE AND OTHER ACCESS.—The Association shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet web page.

''SEC. 324. BOARD OF DIRECTORS.

''(a) ESTABLISHMENT.—There is established the board of directors of the Association (hereafter in this subtitle referred to as the 'Board'), which shall have authority to govern and supervise all activities of the Association.

''(b) POWERS.—The Board shall have such of the Association's powers and authority as may be specified in the bylaws of the Association.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Board shall consist of 11 members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom—

''(A) 6 shall be State insurance commissioners appointed in the manner provided in paragraph (2),

''(B) 2 shall be representatives of property and casualty insurance producers,

''(C) 1 shall be a representative of life or health insurance producers,

''(D) 1 shall be a representative of property and casualty insurers, and

''(E) 1 shall be a representative of life or health insurers.

''(2) STATE INSURANCE REGULATOR REPRESENTATIVES.—

''(A) Before making any appointments pursuant to subparagraph (A) of paragraph (1), the President shall request a list of recommended candidates from the NAIC, which shall not be binding on the President. If the NAIC fails to submit list of recommendations within 15 days of the request, the President may make the requisite appointments without considering the views of the NAIC.

''(B) Not more than 3 members appointed to membership on the Board pursuant to subparagraph (A) of paragraph (1) shall belong to the same political party.

''(C) If fewer than 6 State insurance commissioners accept appointment to the Board, the President may appoint the remaining State insurance commissioner members of the Board from among individuals who are former State insurance commissioners, provided that any former insurance commissioner so appointed shall not be employed by or have a present direct or indirect financial interest in any insurer or other entity in the insurance industry other than direct or indirect ownership of, or beneficial interest in, an insurance policy or annuity contract written or sold by an insurer.

''(3) PRIVATE SECTOR REPRESENTATIVES.—In making any appointments pursuant to subparagraphs (B) through (E) of paragraph (1), the President may seek recommendations for candidates from national trade associations representing the category of individuals described, which shall not be binding on the President.

''(4) STATE INSURANCE COMMISSIONER DEFINED.—For purposes of this subsection, the term 'State insurance commissioner' means a person who serves in the position in State government, or on the board, commission, or other body that is the principal insurance regulatory authority for the State.

''(d) TERMS.—

''(1) IN GENERAL.—The term of each Board member shall be for 2 years, except that—

''(A) the term of—

''(i) 3 of the State insurance commissioner members of the Board initially appointed under subparagraph (A) of paragraph (1),

''(ii) 1 of the property and casualty insurance producer members of the Board initially appointed under subparagraph (B) of paragraph (1), and

''(iii) 1 of the insurer representative members of the Board initially appointed under subparagraphs (D) and (E) of paragraph (1),

shall be 1 year, as designated by the President at the time of the nomination of such members;

''(B) a member of the Board may continue to serve after the expiration of the term to which such member was appointed until a successor is qualified; and

''(C) any member of the Board appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

''(2) SUCCESSIVE TERMS.—Board members may be reappointed to successive terms.

''(e) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet at the call of the chairperson, as requested in writing to the chairperson by at least four members of the Board, or as otherwise provided by the bylaws of the Association.

''(2) QUORUM REQUIRED.—A majority of directors shall constitute a quorum.

''(3) VOTING.—Decisions of the Board shall require the approval of a majority of all directors present at a meeting, a quorum being present.

''SEC. 325. OFFICERS.

''(a) POSITIONS.—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, an executive director, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

''(b) MANNER OF SELECTION.—Each officer of the Board and the Association shall be elected or appointed at such time, in such manner, and for such terms as may be prescribed in the bylaws of the Association.

''SEC. 326. BYLAWS, RULES, AND DISCIPLINARY ACTION.

''(a) ADOPTION AND AMENDMENT OF BYLAWS.—

''(1) COPY REQUIRED TO BE FILED.—The board of directors of the Association shall submit to the President and the NAIC any proposed bylaw or rules of the Association or any proposed amendment to the bylaws or rules, accompanied by a concise general statement of the basis and purpose of such proposal.

''(2) EFFECTIVE DATE.—Any proposed bylaw or rule or proposed amendment to the bylaws or rules shall take effect, after notice published in the Federal Register and opportunity for comment, upon such date as the Association may designate, unless suspended under subsection (c) of section 330.

''(b) DISCIPLINARY ACTION BY THE ASSOCIATION.—

''(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed (hereafter in this section referred to as a 'disciplinary action') or to determine whether a member of the Association should be placed on probation, the Association shall bring specific charges, notify such member of such charges, give the member an opportunity to defend against the charges, and keep a record.

''(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

''(A) any act or practice in which such member has been found to have been engaged;

''(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

''(C) the sanction imposed and the reason for such sanction.

''SEC. 327. POWERS.

''In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the following powers:

''(1) To establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations.

''(2) To adopt, amend, and repeal bylaws and rules governing the conduct of Association business and performance of its duties.

''(3) To establish procedures for providing notice and opportunity for comment pursuant to section 326(a).

''(4) To enter into and perform such agreements as necessary to carry out its duties.

''(5) To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification; and to establish the Association's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation. and qualifications of personnel.

''(6) To borrow money.

''(7) To secure funding from board member organizations and other industry associations for such amounts that the Association determines to be necessary and appropriate to organize and begin operations of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

''SEC. 328. REPORT BY ASSOCIATION.

''(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

''(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

''SEC. 329. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

''(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

''(b) LIABILITY OF DIRECTORS, OFFICERS, AND EMPLOYEES.—No director, officer, or employee of the Association shall be personally liable to any person for any action taken or omitted in good faith in any matter within the scope of their responsibilities in connection with the Association.

''SEC. 330. PRESIDENTIAL OVERSIGHT.

''(a) REMOVAL OF BOARD.—If the President determines that the Association is acting in a manner contrary to the interests of the public or the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, in accordance with section 324 and with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

''(b) REMOVAL OF BOARD MEMBER.—The President may remove a member of the Board only for neglect of duty or malfeasance in office.

''(c) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the purposes of this subtitle.

''SEC. 331. RELATIONSHIP TO STATE LAW.

''(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

''(b) PROHIBITED ACTIONS.—

''(1) IN GENERAL.—No State shall—

''(A) impede the activities of, take any action against, or apply any provision of law or regulation arbitrarily or discriminatorily to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

''(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association;

''(C) impose any continuing education requirements on nonresident insurance producers; or

''(D) impose any licensing, registration, or appointment requirements upon any nonresident insurance producer that sells, solicits, negotiates, effects, procures, delivers, renews, continues, or binds insurance for commercial property and casualty risks to an insured with risks located in more than 1 State, if such nonresident insurance producer is otherwise licensed as an insurance producer in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

''(2) STATES OTHER THAN A HOME STATE.—No State, other than a member's home State, shall—

''(A) impose any licensing, integrity, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

''(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in such State, including any requirement that such insurance producer register as a foreign company with the secretary of state or equivalent State official; or

''(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in such State.

''SEC. 332. COORDINATION WITH OTHER REGULATORS.

''(a) COORDINATION WITH STATE INSURANCE REGULATORS.—The Association may—

''(1) establish a central clearinghouse, or utilize the NAIC or any other appropriate entity as a central clearinghouse, through which members of the Association may pursuant to section 323(e) disclose their intent to operate in 1 or more States and pay the licensing fees to the appropriate States; and

''(2) establish a national database for the collection of regulatory information concerning the activities of insurance producers or contract with the NAIC or any other entity to utilize such a database.

''(b) COORDINATION WITH THE FINANCIAL INDUSTRY REGULATORY AUTHORITY.—The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the requirements of this subtitle and the Federal securities laws.

''SEC. 333. RIGHT OF ACTION.

''(a) RIGHT OF ACTION.—Any person aggrieved by a decision or action of the Association may, after reasonably exhausting available avenues for resolution within the Association, commence a civil action in an appropriate United States district court, and obtain all appropriate relief.

''(b) ASSOCIATION INTERPRETATIONS.—In any such action, the court shall give appropriate weight to the Association's interpretation of its bylaws and this subtitle.

''SEC. 334. DEFINITIONS.

''For purposes of this subtitle, the following definitions shall apply:

''(1) HOME STATE.—The term 'home State' means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

''(2) INSURANCE.—The term 'insurance' means any product, other than title insurance, defined or regulated as insurance by the appropriate State insurance regulatory authority.

''(3) INSURANCE PRODUCER.—The term 'insurance producer' means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

''(4) STATE.—The term 'State' includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

''(5) STATE LAW.—

''(A) IN GENERAL.—The term 'State law' includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

''(B) LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

''Subtitle C—National Association of Registered Agents and Brokers

''Sec. 321. National association of registered agents and brokers.
''Sec. 322. Purpose.
''Sec. 323. Membership.
''Sec. 324. Board of directors.
''Sec. 325. Officers.
''Sec. 326. Bylaws, rules, and disciplinary action.
''Sec. 327. Powers.
''Sec. 328. Report by association.
''Sec. 329. Liability of the association and the directors, officers, and employees of the association.

SEC. 3. COMPLIANCE PROVISION.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Texas (Mr. NEUGEBAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

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

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my fellow colleagues in bringing this important legislation to the floor for a vote today. This legislation is timely since the issue of insurance regulatory reform has remained crucial for some time now.

I am pleased to introduce H.R. 2554, the National Association of Registered Agents and Brokers Reform Act, with Congressman NEUGEBAUER to help guarantee adequate agent broker licensing as well as ensure increased competition. That is the important word in this, Mr. Speaker, ''increased competition.''

Insurance regulatory reform is an issue many involved agree requires action, and this bill is a good starting point for leveling the playing field for insurance agents and brokers. H.R. 2554 would simply establish the National Association of Registered Agents and Brokers to provide for nonresident insurance agent and broker licensing while preserving the rights of States to supervise and discipline insurance agents and brokers.

This legislation will benefit consumers through increased competition among agents and brokers, leading to greater consumer choice. This legislation is straightforward. Insurance agents and brokers who are licensed in good standing in their home States can apply for membership to the National Association of Registered Agents and Brokers, which we call NARAB. This will allow them to operate in multiple States. Membership will be voluntary and will not affect the rights of a nonmember producer under any State license.

This legislation will benefit policyholders by increasing marketplace competition and consumer choice by enabling insurance producers to more quickly and responsibly serve the needs of consumers. A private nonprofit NARAB entity consisting of State insurance regulators and marketplace representatives will serve as a portal for agents and brokers to obtain nonresident licenses in additional States. This is provided that they pay the required State nonresident licensing fees and that they meet the NARAB standard for membership.

This bill also would establish membership criteria which would include standards for personal qualifications, education, training, and experience. And further, member applicants would be required to undergo a national criminal background check.

This very important bill clarifies current State consumer protection, and market conduct regulation would be preserved. NARAB board members would include a narrow majority of State insurance regulators. All bylaws and reports of the association will be filed with the National Association of Insurance Commissioners. This legislation directs the NARAB board to consider utilizing the NAIC as the entity that the association will collaborate with on a central clearinghouse and a national database for regulatory information. NARAB would not be a part of nor would be required to report to any Federal agency, nor would it have any Federal regulatory power.

Congress endorsed this concept through its passage of the Gramm-Leach-Bliley Act in 1999, which would have created NARAB if a number of States did not reach a certain level of licensing reciprocity. At that time, enough reciprocity was provided to avoid the creation of NARAB, but it has become clear that follow-up legislation is necessary.

So my bill addresses market entry procedures only, and it would not impact the daily regulation of insurance. Insurance agents would still be subject to the consumer protection laws of each of the States. This legislation passed in the 110th Congress by a voice vote, but this version has some important improvements. Among these improvements, sections have been added to ensure that State regulators are notified when a producer becomes a NARAB member, becomes authorized to operate in new States, or a membership is suspended or revoked. Also, this version makes revisions concerning NARAB's board of directors to clarify certain provisions, namely, that the President would formally make the appointments, and references to private-sector trade associations are eliminated.

Again, I want to thank my Republican colleague, Congressman NEUGEBAUER, for his work on this legislation. He has done an excellent job, and I have enjoyed working with him. I urge its passage in the House once again.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 2, 2010.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 2554, the National Association of Registered Agents and Brokers Reform Act of 2009, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 2554 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, March 2, 2010.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: Thank you for your letter concerning H.R. 2554, the ''National Association of Registered Agents and Brokers Reform Act of 2009.'' This bill will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of this bill. I acknowledge that portions of the bill fall within the jurisdiction of the Committee on the Judiciary and I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed with a markup on this bill will not prejudice the Committee on the Judiciary with respect to its prerogatives on this or similar legislation. I would support your request for an appropriate number of conferees in the event of a House-Senate conference.

I will include a copy of this letter and your response in the CONGRESSIONAL RECORD. Thank you again for your cooperation.

BARNEY FRANK,
Chairman.

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today in support of H.R. 2554, and I also want to thank my colleague from Georgia (Mr. SCOTT) for his leadership on this legislation.

We introduced this legislation almost 1 year ago with strong bipartisan support. Mr. SCOTT has worked with the

House leadership to help get this bill to the floor today, and I certainly appreciate his efforts.

This bill sets up a private nonprofit insurance system that will help insurance agents and brokers do business across State lines more efficiently. Not only does this help reduce regulatory burden for agents, but it also helps consumers by giving them more choices.

At its core, this is really a small business bill. Most insurance agents and brokers are independent small businesses; they don't have a lot of employees. So when they have to file paperwork for multiple States in order to do business across State lines, that only adds more cost for their compliance. Under this bill, they can register with the new National Association of Registered Agents and Brokers, NARAB, and that will serve as a portal for them to be licensed more easily in other States.

In today's economy, this bill makes sense for small businesses. If a customer moves to another State but wants to keep his insurance agent that has worked for him for years, this bill will streamline the process for that agent to be licensed in other States. If a customer wants that agent's trust to help them with policies for an elderly parent that they are caring for who lives in another State, this bill also makes that feasible.

H.R. 2554 provides a way to streamline insurance agent licensing across State lines without creating a new government bureaucracy, with no cost to the taxpayers, with consistent consumer protections, and without new mandates on States. This bill empowers insurance agents and their customers without making the government bigger or more expensive.

The option for NARAB was first included in the 1999 Gramm-Leach-Bliley Act, but the bar was not set high enough. Congress realized that in 2008 when the House passed this legislation by voice vote. While the Senate did not take up the bill last time, my hope is that broad bipartisan support in the House again will move this much-needed bill forward.

We've had a lot of debate and discussion in the Financial Services Committee about the big picture for insurance regulation. There are a lot of perspectives on that issue. The good news about this bill, however, is that this is one insurance reform that we can all agree on.

I urge my colleagues to support this bill. It's good for small businesses, it's good for our community agents, and it's good for the customers that they serve.

I also again want to thank Mr. SCOTT for his cooperation and this bipartisan bill, and I urge my colleagues to support H.R. 2554.

I yield back the balance of my time.

Mr. SCOTT of Georgia. In closing, Mr. Speaker, let me again thank my colleague, Congressman NEUGEBAUER, for his distinguished work on this. It has been a pleasure.

Again, as he articulated eloquently a few minutes ago, the two things that this bill really does is it helps American consumers by increasing competition in the marketplace—that is really what we need as we deal with the very topical issue of insurance. And it provides the American people, the American consumer, with choice. So competition and choice are certainly the great beneficiaries of this legislation.

I might add that our act has garnered support from both sides of the aisle. We have both Democrats and Republicans working together on this. Forty-eight of us are sponsors to this bill, and 27 of us belong to the Financial Services Committee, where we have done work on it.

□ 1745

This bill has the support of NAIC, as I said earlier. It shows that the State insurance regulators, themselves, believe that this type of legislation has needed reform. In addition, the Independent Insurance Agents and Brokers of America supports this bill. The National Association of Insurance and Financial Advisors supports the bill. The National Association of Mutual Insurance Companies, the Property Casualty Insurance Association of America, the Council of Insurance Agents and Brokers, as well as a number of individual insurance companies, all are in support of this bill.

I am proud to have had an opportunity to work with and to have brought this bill before the House. I ask, certainly, for favorable support.

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. SCOTT) that the House suspend the rules and pass the bill, H.R. 2554, 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.

AUTHORIZING USE OF EMANCIPATION HALL TO PRESENT CONGRESSIONAL GOLD MEDAL TO WOMEN AIRFORCE SERVICE PILOTS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 239) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 239

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO WOMEN AIRFORCE SERVICE PILOTS.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for a ceremony on March 10, 2010, to present the Congressional Gold Medal to the Women Airforce Service Pilots.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 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 to revise and extend their remarks in the RECORD on this concurrent resolution.

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

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 239. As Chair of the House Armed Services Subcommittee on Military Personnel and as co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to recognize their service.

We are all familiar with the icon of Rosie the Riveter, working in war factories during World War II. Her motto was, ''We can do it.''

Well, the Women Airforce Service Pilots did it, too. Almost 70 years ago, they became pioneers for women's equality in the armed services. As civilian pilots under the direction of the U.S. Army Air Forces, flying noncombat missions from 1942 to 1944, they bravely stepped into service while their male counterparts were sent to combat.

The Women Airforce Service Pilots are referred to as the ''WASP.'' Unlike many acronyms used in the military, this is an apt name. For like WASP, their work demanded a unique combination of feistiness and strength, underlined by loyalty to their fellow WASP and their country. They flew every type of military aircraft in every kind of mission except combat. They ferried aircraft from factories to military installations. They towed aerial targets, transported cargo, and served in training exercises.

There were 38 of the, roughly, 1,100 women who lost their lives during the war. There are only about 300 surviving WASP. I am astounded by their tenacity and by their bravery. Yet, despite that dedication, these women have encountered difficulties in being recognized for their service. The WASP corps only received full military status

for their service in 1977 after having their records kept secret in classified archival files for more than 35 years.

Next week, on March 10, we will honor their legacy as the first female aviators in American military history with the award of the Congressional Gold Medal. This is the highest civilian honor Congress can give, and it is both well deserved and, certainly, long overdue.

I was proud to have been a co-lead with Congresswoman ILEANA ROS-LEHTINEN on the bill awarding them this honor. It is wonderful to see this come to fruition.

Last year, the Union-Tribune in San Diego highlighted several of these women from my district, some of whom will be attending the ceremony next week. I look forward to meeting them, and I hope all of my colleagues will come and meet the WASP from their districts.

To quote Vivian Eddy, one of these intrepid women from my district, their desire to serve our country was ''not so much to prove anything to anybody but just to fly.''

This ceremony will be an illustrative example of our indebtedness to their fearless, selfless service. This group of unsung heroines demonstrates the courage of women in the past, the integrity with which women continue to serve today, and the enthusiasm of the young women who dream of serving this great Nation in the future.

I hope all of my colleagues will join me in thanking the WASP and their families by offering their support for this resolution.

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

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi (Mr. HARPER) will control his 20 minutes.

There was no objection.

Mr. HARPER. Thank you, Mr. Speaker, and I yield myself such time as I may consume.

Today, I rise in support of this resolution, which will authorize the use of Emancipation Hall in the Capitol Visitor Center for an event recognizing the Women Airforce Service Pilots as recipients of the Congressional Gold Medal.

The WASP program, as it was known, was the first introduction of female pilots into the United States armed services. During World War II, these women flew noncombat missions in support of the United States military. WASP pilots numbered in the thousands during World War II, and each woman who served in this capacity freed up one of her male counterparts for combat services and other duties. Just as many women performed operational roles on domestic U.S. bases, these female pilots played a critical role in helping to mobilize servicemen for deployment to the European and Pacific theatres of war.

I am pleased that Congress is able to host this exceptional group of women as they are honored for their contribution to our Nation. I hope my colleagues will join me both in thanking these women for their service to our Nation and in supporting this resolution.

I reserve the balance of my time.

Mrs. DAVIS of California. I yield 1 minute to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentlewoman from California and the gentlewoman from Florida for bringing this forward.

Mr. Speaker, I would just like to stand in recognition of these wonderful women who provided such an important role in this war.

I would also like to specifically acknowledge Debbie Holthouse from Boynton Beach, Florida. She resides in my congressional district, and she is going to be honoring her mother.

Her mother is Bette Nogard, who served as a pilot during World War II. Bette Nogard died without any veterans benefits even though she risked her life for our freedom. She was a true hero. I am proud that Congress will be honoring her as well as these other women. I look forward to seeing her here in Washington.

Mr. HARPER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Florida, Representative ROS-LEHTINEN.

Ms. ROS-LEHTINEN. I thank my good friend for yielding.

Mr. Speaker, as the House author of legislation awarding the Congressional Gold Medal to the Women Airforce Service Pilots, WASP, I rise in strong support of today's resolution.

I would like to thank my wonderful friend from California, my colleague, my collaborator, Congresswoman SUSAN DAVIS of California, for her dedicated work in support of the WASP.

Today's bill authorizes the use of Emancipation Hall, a historic place for a historic group of ladies, for an event that will honor a most unique sisterhood of women pioneers. Next, Wednesday, March 10, Mr. Speaker, the United States Congress will present the Congressional Gold Medal to the surviving members of the Women Airforce Service Pilots, WASP. This award serves as a small token of our tremendous appreciation of the remarkable courage and sacrifice made by these women during the perilous times of World War II.

The WASP were the first women in history to fly America's military aircraft. Between the years of 1942 and 1944, these courageous women volunteered to fly noncombat missions so that every available male pilot could be deployed in combat. More than 25,000 women applied for the program, but only 1,830 qualified women pilots were accepted.

Unlike their male counterparts, women applicants were required to be qualified pilots before they could apply for the Army Air Forces' military flight training program. That's what it was called, it sounds odd to say. Although 1,102 women earned their wings and went on to fly over 60 million miles for the Army Air Forces, equal to some 2,500 times around the globe, they never got the recognition that they deserved. Their performances were equal in every way to those of their male pilots. With the exception of direct combat missions, the WASP flew the same aircraft with the same missions as male pilots. Women pilots were used to tow targets for male pilots who were using live ammunition for searchlight missions, for chemical missions, engineering test flying, and for countless other exercises.

In 1944, the WASP were disbanded. Their service records were sealed and classified. By the time the war ended, 38 women pilots had lost their lives while flying for our country. Although they took the military oath and were promised military status, the WASP were never recognized as true military personnel. These 38 women who died in the service of our country during World War II were denied death benefits, including proper military funerals. Not even an American flag covered their coffins, and their survivors never received a single dime.

As a former WASP, Mary Alice Putnam Vandeventer noted in a recent letter, fellow WASP would circulate a ''collection hat to make sure that a fallen sister pilot received a proper burial.''

It was not until 1977, more than 30 years after the WASP had served, when another woman pioneer, Congresswoman Lindy Boggs, introduced legislation to grant the WASP veterans status. Now, more than 30 years from that important occasion, the United States Congress, on behalf of the American people, will present the WASP with the recognition they deserve and with the recognition, indeed, they have earned.

The WASP are true pioneers, whose examples paved the way for the Armed Forces to finally lift the ban on a woman attending military flight training in the 1970s.

□ 1800

Today, women in the military fly every type of aircraft, from F–15s to the space shuttle. My daughter-in-law, Lindsay Nelson, a Marine Corps pilot, is part of this lasting legacy of the WASP. Lindsay is a graduate of the United States Naval Academy. She served combat tours in Iraq and in Afghanistan, where she flew the F–18 fighter jet. I am so proud of Lindsay and of all of our servicewomen, past and present, who continue to inspire young women to achieve what was heretofore unimaginable.

Of the 1,102 WASP, less than 300 are still alive today, and they are residing in almost every State of our beautiful Union.

I have had the honor and the privilege of meeting WASP from my congressional area of south Florida. Last August, Mr. Speaker, I presented Frances Rohrer Sargent, Ruth Shafer

Fleisher and Helen Wyatt Snapp with framed, signed copies of the WASP Congressional Gold Medal legislation. I cannot tell you how delighted I am that Frances, Ruth, and Helen will be traveling to Washington next week, along with more than 170 of their fellow WASP.

Join me in paying homage to these trailblazers and true patriots who served our country without question and with no expectation of recognition or praise. I hope that all of our colleagues will join us next week to do so.

Mr. Speaker, I urge my colleagues to join me and my good friend from California, Mrs. DAVIS, in voting ''yes'' on this important recognition. We have taken a long time to recognize these brave pioneers, but that date has finally come, thanks to all of our Members.

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

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

Mrs. DAVIS of California. Mr. Speaker, I have no further speakers, but I certainly wanted to say, and I appreciate the wonderful words of my colleague, Ms. ROS-LEHTINEN, that we are finally having an opportunity to recognize these women in a way that we should have done a long time ago. But we are going to be recognizing the Women Air Force Service Pilots with a Congressional Gold Medal of Honor. I certainly hope our colleagues will join us on March 10 in Emancipation Hall for a very special day, I know, to see and hear from these women who were far more than trailblazers; they served their country and they did it courageously. We are very proud of them and want to let them know how much we care about that service.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 239.

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

A motion to reconsider was laid on the table.

PERMITTING USE OF CAPITOL ROTUNDA FOR VICTIMS OF HOLOCAUST COMMEMORATION

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 236

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 15, 2010, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentleman from Mississippi (Mr. HARPER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. KLEIN of Florida. 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 Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H. Con. Res. 236, a resolution to allow the Capitol Rotunda to be used on April 15 for the purpose of the annual congressional ceremony to commemorate the Holocaust. The congressional commemoration of the Holocaust is a poignant reminder of the atrocities committed by the Nazis and the harrowing experiences of the survivors.

This year, we will be celebrating the heroism of those who liberated the Nazi death camps. The theme for this year's ceremony, Stories of Freedom: What You Do Matters, highlights the experience of Allied soldiers who risked their lives for the cause of freedom.

The stories of these soldiers that many of us have heard are inspiring. These soldiers confronted evil and physically saw despair in the eyes of every survivor they encountered. And these soldiers gave the survivors hope. The actions of these liberators changed the lives of the survivors and the course of human history.

Last year, on Veterans Day, I participated in a ceremony that honored American World War II veterans, including Dr. Bernard Metrick of Boca Raton, Florida, who helped liberate a subcamp of Buchenwald while serving in the 8th Armored Tank Division. Dr. Metrick will be joining me in Washington in April to participate in the Days of Remembrance. What Dr. Metrick did, what all of the Allied liberators did, mattered back then, and each and every one of us must learn from their lessons. What we do matters. And that is the message that this ceremony will inspire: What you do matters.

This is both our individual and collective responsibility. Never again can we allow a Holocaust to occur on our watch. All my life, I personally have felt moved to spread the message of ''Never Again.'' In the Florida Legislature when I served, I passed legislation to mandate Holocaust education in our Florida public schools so that students from all walks of lives and backgrounds could learn the lessons of the Holocaust.

Here in Congress in my capacity as cochair of the Congressional Task Force Against Anti-Semitism, I worked with my cochairman, Congressman MIKE PENCE of Indiana, to organize an annual visit to the U.S. Holocaust Memorial Museum for Members of Congress and their families. This is a unique form of Holocaust education, where the museum serves as a teaching tool to educate U.S. Representatives who have not been to the museum before about how the Holocaust is relevant to their lives and the lives of their constituents.

I am grateful to Speaker PELOSI for appointing me to serve on the U.S. Holocaust Memorial Commission with other Members of the House and Senate and other citizens around the United States, and I hope to advance the cause of Holocaust education in this new role.

I would also like to thank Chairman BRADY and Ranking Member LUNGREN for moving this resolution to the floor today. As a sponsor of this legislation and a member of the U.S. Holocaust Memorial Council, I would like to thank the other cosponsors of this legislation: Congresswoman GABRIELLE GIFFORDS of Arizona, Congressman STEVE LATOURETTE of Ohio, Congressman ERIC CANTOR of Virginia, and, of course, Congressman HENRY WAXMAN, who worked closely with me on this resolution.

I urge my colleagues to support this resolution, and I encourage my colleagues to attend the ceremony on April 15 in the Capitol Rotunda so that we may mourn those who perished and recognize those who sacrificed so much for freedom in the world.

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

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

Mr. Speaker, I rise today in strong support of this very important resolution. Under Congress' direction, the United States Holocaust Memorial Museum has organized and annually led the National Days of Remembrance ceremony in the Capitol Rotunda. The theme chosen by the museum this year is Stories of Freedom: What You Do Matters.

What we do does matter, Mr. Speaker. On occasions like this, there aren't appropriate enough words to share on behalf of the millions of victims of the Holocaust. Yet we here today and those in the Rotunda next month will once again commemorate the lives taken and the lives that suffered due to the unspeakable brutality and evil of that dark moment in history.

Mr. Speaker, this year is the 65th anniversary of the liberation of the Nazi concentration camps. Sixty-five years have passed since the doors were opened and the inhumane was laid bare for human eyes.

Just as the theme this year is What You Do Matters, so it mattered what others did then. We think of those like Oskar Schindler, Dietrich Bonhoeffer, and so many others who did their part in this effort; heroic efforts, which forever mattered to the lives they saved and the truth they pursued, some to their own death.

Mr. Speaker, we too must do our part in this body and uphold the ideals upon which our Nation was founded. This ceremonial Days of Remembrance reminds us what happens when the rule of law and the commitment to ordered liberty upon which it rests are defiled. Let us also remember that this ceremony is not reflective of one event or one tragedy. We remember the entire scope of mankind's history and use it as a reminder that human life is precious, and that we must never allow a travesty like this to ever happen again.

Through this resolution and this commemoration, we remember the Night of Broken Glass, the Warsaw ghetto uprising, the methodical devouring and destruction of a whole continent, and the labor, concentration, and death camps as Auschwitz, Treblinka and Buchenwald, to name only a few. May our actions and may our remembrance honor the courage and bravery shown by the millions murdered only seven decades ago.

Mr. Speaker, just as our 34th President, General Eisenhower, made sure the things he had seen were not quickly forgotten, may this year's ceremony in the Capitol Rotunda be a solemn and fitting reminder of the victims of the Holocaust. I am pleased to support this bipartisan resolution, and encourage the support of my colleagues.

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

Mr. KLEIN of Florida. Mr. Speaker, I would like to thank Mr. HARPER of Mississippi for his very supportive words and his heartfelt support of this important bipartisan resolution. I look forward to being at the event with you in the Rotunda.

Mr. Speaker, again, I just thank the Chamber for their support and look forward to the opportunity of again supporting this very important event in the Rotunda.

Mr. BRADY of Pennsylvania. Mr. Speaker, the resolution before us allows for the use of the rotunda of the Capitol for the annual commemoration of the victims of the Holocaust. The Holocaust is one of the most shameful and horrifying events of human history. As we stop to reflect on this heinous event, let it serve as a reminder that there is no room for prejudice, oppression and hatred. As Americans and world citizens, it is important that future generations be called upon to remember the atrocities of the Holocaust and the similarities in the hate crimes we see today.

Despite hatred, the human spirit is unwavering in the face of adversity. History has shown us that in times of despair, humanity prevails and always, always looks towards a brighter future.

There is no better place than the United States Capitol rotunda to embody the reverence and dignity so deserved in honoring the victims of the Holocaust. The United States Capitol has stood as a symbol of freedom and liberty, and a symbol of hopes and dreams. It is important, Mr. Speaker, that as we recognize one of the most notable tragedies in human history, we honor the memory of those who died so senselessly and pledge anew to stop atrocities like genocide, from occurring again.

Mr. KLEIN of Florida. 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 Florida (Mr. KLEIN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 236.

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

A motion to reconsider was laid on the table.

TRADEMARK TECHNICAL AND CONFORMING AMENDMENT ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2968) to make certain technical and conforming amendments to the Lanham Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2968

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 ''Trademark Technical and Conforming Amendment Act of 2010.''.

SEC. 2. DEFINITION.

For purposes of this Act, the term ''Trademark Act of 1946'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Lanham Act''; 15 U.S.C. 1051 et. seq).

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CERTIFICATES OF REGISTRATION.—Section 7 of the Trademark Act of 1946 (15 U.S.C. 1057) is amended—

(1) by inserting ''United States'' before ''Patent and Trademark Office'' each place that term appears;

(2) in subsection (b), by striking ''registrant's'' each place that appears and inserting ''owner's'';

(3) in subsection (e)—

(A) by striking ''registrant'' each place that term appears and inserting ''owner''; and

(B) in the third sentence, by striking ''or, if said certificate is lost or destroyed, upon a certified copy thereof''; and

(4) by amending subsection (g) to read as follows:

''(g) CORRECTION OF PATENT AND TRADEMARK OFFICE MISTAKE.—Whenever a material mistake in a registration, incurred through the fault of the United States Patent and Trademark Office, is clearly disclosed by the records of the Office a certificate stating the fact and nature of such mistake shall be issued without charge and recorded and a printed copy thereof shall be attached to each printed copy of the registration and such corrected registration shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Director a new certificate of registration may be issued without charge. All certificates of correction heretofore issued in accordance with the rules of the United States Patent and Trademark Office and the registrations to which they are attached shall have the same force and effect as if such certificates and their issue had been specifically authorized by statute.''.

(b) INCONTESTABILITY OF RIGHT TO USE MARK UNDER CERTAIN CONDITIONS.—Section 15 of the Trademark Act of 1946 (15 U.S.C. 1065) is amended—

(1) by striking ''right of the registrant'' and inserting ''right of the owner'';

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

''(1) there has been no final decision adverse to the owner's claim of ownership of such mark for such goods or services, or to the owner's right to register the same or to keep the same on the register; and''; and

(3) in paragraph (2), by inserting ''United States'' before ''Patent and Trademark Office''.

(c) APPEAL TO COURTS.—Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071) is amended—

(1) by inserting ''United States'' before ''Patent and Trademark Office'' each place that term appears;

(2) in subsection (a)(1), by inserting ''or section 71'' after ''section 8''; and

(3) in subsection (b)(4), by striking ''If there be'' and inserting ''If there are''.

(d) CONFORMING REQUIREMENTS FOR AFFIDAVITS.—

(1) DURATION, AFFIDAVITS AND FEES.—Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

''SEC. 8. DURATION, AFFIDAVITS AND FEES.

''(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Director unless the owner of the registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

''(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of registration under this Act or the date of the publication under section 12(c).

''(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of registration, and each successive 10-year period following the date of registration.

''(3) The owner may file the affidavit required under this section within the 6-month grace period immediately following the expiration of the periods established in paragraphs (1) and (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

''(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

''(1)(A) state that the mark is in use in commerce;

''(B) set forth the goods and services recited in the registration on or in connection with which the mark is in use in commerce;

''(C) be accompanied by such number of specimens or facsimiles showing current use

of the mark in commerce as may be required by the Director; and

''(D) be accompanied by the fee prescribed by the Director; or

''(2)(A) set forth the goods and services recited in the registration on or in connection with which the mark is not in use in commerce;

''(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

''(C) be accompanied by the fee prescribed by the Director.

''(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the owner of the registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

''(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of registration and notice of publication under section 12(c).

''(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify any owner who files any affidavit required by this section of the Director's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

''(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the owner is not domiciled in the United States, the owner may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the owner does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.''.

(2) AFFIDAVITS AND FEES.—Section 71 of the Trademark Act of 1946 (15 U.S.C. 1141k) is amended to read as follows:

''SEC. 71. DURATION, AFFIDAVITS AND FEES.

''(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each extension of protection for which a certificate has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Director unless the holder of the international registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

''(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of issuance of the certificate of extension of protection.

''(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of issuance of the certificate of extension of protection, and each successive 10-year period following the date of issuance of the certificate of extension of protection.

''(3) The holder may file the affidavit required under this section within a grace period of 6 months after the end of the applicable time period established in paragraph (1) or (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

''(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

''(1)(A) state that the mark is in use in commerce;

''(B) set forth the goods and services recited in the extension of protection on or in connection with which the mark is in use in commerce;

''(C) be accompanied by such number of specimens or facsimiles showing current use of the mark in commerce as may be required by the Director; and

''(D) be accompanied by the fee prescribed by the Director; or

''(2)(A) set forth the goods and services recited in the extension of protection on or in connection with which the mark is not in use in commerce;

''(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

''(C) be accompanied by the fee prescribed by the Director.

''(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the holder of the international registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

''(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

''(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify the holder of the international registration who files any affidavit required by this section of the Director's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

''(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the holder of the international registration of the mark is not domiciled in the United States, the holder may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the holder does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.''.

SEC. 4. STUDY AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Intellectual Property Enforcement Coordinator, shall study and report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which small businesses may be harmed by litigation tactics by corporations attempting to enforce trademark rights beyond a reasonable interpretation of the scope of the rights granted to the trademark owner; and

(2) the best use of Federal Government services to protect trademarks and prevent counterfeiting.

(b) RECOMMENDATIONS.—The study and report required under paragraph (1) shall also include any policy recommendations the Secretary of Commerce and the Intellectual Property Enforcement Coordinator deem appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. 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 Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we seek to correct a technical and unintentional mistake in the trademark laws that could result in inadvertent abandonment for trademark owners who registered under our international agreement on trademarks, which is called the Madrid Protocol.

At the expiration of their trademark registration term, trademark owners are required to submit affidavits to the United States Patent and Trademark Office stating that they have continuously met the statutory requirements of use in commerce or, alternatively, excusable nonuse.

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Such affidavits are essential to maintain current trademark registrations and to clear the register of inactive trademarks. However, due to a technical mistake in the Lanham Act, our trademark laws unintentionally prevent trademark owners who file these affidavits for registering extensions under the Madrid Protocol from having the same rights as other U.S. trademark owners. Compliance with regulations should not reduce the rights of trademark owners. Today, we will harmonize our laws with the Madrid Protocol so that this particular injustice no longer occurs.

Additionally, this legislation gives the Director of the USPTO discretion to allow applicants to correct good-faith and harmless errors that otherwise would have severe and unreasonable intellectual property ramifications. The Intellectual Property Organization and the American Intellectual Property Law Association both support this legislation. In their letter in support of this bill, the American Intellectual Property Law Association stated that this bill is, ''a highly desirable amendment to the Trademark Act,'' and refers to this legislation as a

''cure'' for specific technical inconsistencies for trademark owners.

However, the bill is not perfect. It includes a study provision regarding alleged trademark lawsuit abuse and small businesses. While we don't want to delay the necessary relief to the trademark owner that this bill will provide by immediate passage of S. 2968, the ranking member and I are committed to working with Senator LEAHY to refine the text of this study provision at our soonest opportunity.

It is time to finally give our trademark owners who register under the Madrid Protocol the rights they should have had originally. This legislative update accomplishes just that, and bolsters the rights of all U.S. trademark owners.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I rise in support of S. 2968, and recognize myself for such time as I may consume.

This legislation, Mr. Speaker, makes technical but important revisions to the Madrid Protocol Implementation Act, which Congress passed in 2002. The Act is one of the most significant legislative accomplishments in the trademark realm in the past 15 years.

By way of background, the United States is a signatory to the Madrid Protocol, an international treaty that allows a trademark owner to seek registration in any of the countries that joined the Protocol. This means an American trademark owner pays the Patent and Trademark Office in Alexandria, Virginia, a nominal fee to expedite the necessary paperwork overseas. This process makes it easier and less expensive for U.S. trademark owners to acquire protection for their intellectual property in other countries.

The 2002 Act that implements the Protocol has functioned well through the years, but must be updated. The main purpose of the bill is to bring provisions for maintaining extensions of protection under Madrid in conformity with provisions for maintaining registrations. Maintenance filings with the PTO by the trademark owner are necessary to perpetuate protection on the trademark. This bill also authorizes the PTO Director to permit applicants to correct good-faith and harmless errors.

Finally, Mr. Speaker, the legislation includes a study provision that was inserted at the behest of the other body. It directs the Intellectual Property Enforcement Coordinator and the Department of Commerce to evaluate and report on treatment of smaller businesses involved in trademark litigation. Along with Chairman CONYERS and the chairman of the subcommittee, the distinguished gentleman from Georgia, I believe the study text could be clarified further. I'm happy to report that Senator LEAHY has agreed to work with us on making the necessary minor revisions to improve the language. We intend to move this language at a later date on a different vehicle. We just don't want to delay further consideration of S. 2968 by requiring the other body to pass the bill for a second time.

In closing, I urge the Members to support S. 2968.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. 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 Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 2968.

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.

COMMENDING CALIFORNIA STATE UNIVERSITY SYSTEM

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1117) commending and congratulating the California State University system on the occasion of its 50th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1117

Whereas the California State University system will be celebrating its 50th anniversary during 2010 and 2011;

Whereas the individual California State Colleges were brought together as a system by the Donahoe Higher Education Act of 1960 of the State of California;

Whereas, in 1972, the system became the California State University and Colleges, in 1982, the system became the California State University (CSU), and today the 23 campuses of the CSU include comprehensive and polytechnic universities and, since July 1995, the California Maritime Academy, a specialized campus;

Whereas the system's oldest campus—San Jose State University—was founded in 1857 and became the first institution of public higher education in California, while the system's newest campus—California State University, Channel Islands—opened in the fall of 2002;

Whereas today the CSU is the Nation's largest and most diverse university system, with 23 campuses and 7 off-campus centers, almost 433,000 students, and 44,000 faculty and staff;

Whereas the CSU draws its students from the top third of California's high school graduates and is the State's primary undergraduate teaching institution;

Whereas each CSU campus—California State University Bakersfield, California State University Channel Islands, California State University Chico, California State University Dominguez Hills, California State University East Bay, California State University Fresno, California State University Fullerton, Humboldt State University, California State University Long Beach, California State University Los Angeles, California Maritime Academy, California State University Monterey Bay, California State University Northridge, California State Polytechnic University, Pomona, California State University Sacramento, California State University San Bernardino, San Diego State University, San Francisco State University, San Jose State University, California Polytechnic State University, San Luis Obispo, California State University San Marcos, Sonoma State University, California State University Stanislaus—has its own identity, but all share the same mission—to provide high-quality, affordable higher education to meet the changing workforce needs of California;

Whereas with 91,000 annual graduates, the CSU is California's greatest producer of bachelor's degrees and drives California's economy in information technology, life sciences, agriculture, business, education, international trade, public administration, hospitality, engineering, entertainment, and multimedia industries;

Whereas the CSU reaches out to California's growing, underserved communities, providing more than half of all undergraduate degrees granted to California's Latino, African-American, and Native American students, and offering affordable opportunities to pursue and attain a college degree;

Whereas the CSU is noted for pioneering outreach efforts, including starting the Early Assessment Program (which enables 11th graders to assess their college readiness in English and math) and the Educational Opportunity Program (an access and retention program that supports low-income, educationally disadvantaged students, many of whom are first-generation college students), distributing millions of ''How To Get to College Posters'' in multiple languages, hosting Super Sunday events at churches throughout the State as part of its African-American initiative, partnering with the Parent Institute for Quality Education (PIQE), which helps strengthen parent involvement in elementary and middle school students' education, and actively engaging in the State's Troops to College efforts on behalf of veterans;

Whereas the CSU offers more than 1,800 bachelor's and master's degree programs in some 357 subject areas, as well as teaching credential programs and its own independent education doctorate program;

Whereas the CSU has awarded nearly 2,500,000 bachelor's, master's and joint doctoral degrees since 1961;

Whereas the CSU's renowned faculty members are well known for their teaching skills as well as their significant contributions to research, CSU staff and administrators provide the vital infrastructure to fulfill the CSU mission, and faculty and staff together have made the CSU a leader in high-quality, accessible, student-focused higher education;

Whereas CSU students participate in 32,000,000 hours of community service annually at more than 3,560 community sites, including tutoring children and adults in English as a second language, working in hospitals and community health clinics, teaching computer literacy, cleaning up rivers and beaches, serving meals to the homeless, and building houses;

Whereas the CSU returns $4.41 for every $1 the State invests, the CSU sustains more than 200,000 jobs in the State, and CSU-related expenditures create $13,600,000,000 in economic activity;

Whereas the CSU has more than 2,000,000 alumni, representing one in 10 members of California's workforce and the majority of the State's teachers;

Whereas the California State University has dedicated itself to helping foster improvement in the educational, economic, and cultural life of California;

Whereas the Chancellor and the Board of Trustees have led the CSU during extremely difficult economic times that have caused the CSU to cut admission rates and raise costs, as they have launched initiatives to increase the system's graduation rates and

help underrepresented students complete college; and

Whereas the California State University is developing not only college graduates, but responsible citizens and leaders for California and the Nation: Now, therefore, be it

Resolved, That the House of Representatives commends and congratulates the California State University system on the occasion of its 50th anniversary.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1117 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 1117, authored by Congresswoman ZOE LOFGREN, a bill that celebrates California State University, CSU, for 50 years of service and leadership. In 1960, California developed its master plan for higher education. Since that time, this plan has provided access to higher education for the State's diverse array of students. In that same year, Mr. Speaker, with the passage of the Donahue Higher Education Act, California's individual State colleges were brought together to form the esteemed CSU system.

Since its inception, California State University has grown into an exemplary set of higher education institutions. The CSU boasts 23 campuses, seven off-campus centers, and over 433,000 students. In addition, the system maintains 44,000 faculty and staff, offering 1,800 bachelors and master's degree programs in some 357 subject areas, making it the largest and most diverse university system in the United States.

Each campus in the CSU system provides its own unique experience and enrolls a diverse set of students. CSU attracts the best and brightest students the great State of California produces. These students are not only leaders inside the classroom, but they also lead in service to their communities. Annually, CSU students participate in over 32 million hours of community service, providing an economic impact of over $634 million to a multitude of California neighborhoods.

Under the current leadership of Dr. Charles Reed and the Board of Trustees, the California State University system remains dedicated to providing access to all students, regardless of financial need. I applaud this continued commitment, particularly in this time of economic turmoil. Many representatives of the CSU system are visiting with us today, including Dr. Charles Reed and Dr. Ruben Arminana, who is the president of Sonoma State University in my district. Mr. Speaker, we owe them a great deal of thanks for their amazing work and for their support of California's students.

Mr. Speaker, once again, I express my support of the California State University system. I thank Representative LOFGREN for bringing this bill forward.

I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

I rise today in support of House Resolution 1117, commending and congratulating the California State University system on the occasion of its 50th anniversary. The Weekly Normal School, today San Jose State University, became the first institution of higher education established by the State of California in 1862. The California State University system was established in 1960 as the California State College system.

Today, the system is comprised of 23 campuses, with almost 433,000 students and 44,000 faculty and staff. Cal State's campuses stretch from Humboldt in northern California to San Diego. It is the Nation's largest and one of the most affordable university systems. The California State University system offers more than 1,800 degree programs in 357 different subjects. CSU draws its students from the top two-thirds of California's high school students and graduates 91,000 students annually.

The CSU system prepares approximately 60 percent of the teachers in the State, 40 percent of the engineering graduates, and more graduates in business, agriculture, communications, health education, and public administration than any other college or university in California. The California State University system undoubtedly makes an invaluable contribution to the education of the people of California and the Nation.

California State University also makes significant outreach efforts to inform and promote college attendance to middle and high school students, minority populations, and veterans. CSU's outreach to growing and underserved communities also provides a pathway for students from diverse backgrounds to pursue an education.

I am pleased to congratulate CSU on the 50th anniversary of the University system's founding. I extend my congratulations to the California State University system, all the alumni, students, faculty, and staff at each of the 23 campuses, and to the people of California. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I'm delighted to recognize for such time as she may consume the sponsor of H. Res. 1117, the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. I want to thank Ms. WOOLSEY from California, a cosponsor and great supporter of this resolution and of education in California.

Mr. Speaker, I rise today as the proud sponsor of the resolution congratulating the California State University system on 50 years of providing high-quality, accessible, and affordable education. I want to thank my colleague, WALLY HERGER, for introducing this resolution with me. As has been mentioned, the CSU system is the Nation's largest and most diverse university system. It includes 23 campuses and seven off-campus centers, with 44,000 faculty and staff and almost 433,000 students.

The California State University system was created in 1961 under the master plan, about 50 years ago, but San Jose State University preceded it. San Jose State University is the oldest university in the system. It's in my district, and it's in my neighborhood. It was founded in 1857 in the basement of a high school in the Bay area. That first class had four graduates, all women, and San Jose State has obviously grown since that time. It's based in the heart of what is now Silicon Valley. San Jose State now is the single largest provider of engineers in Silicon Valley. The university sits on a 154-acre campus in downtown San Jose and has over 30,000 diverse students. It is ranked by U.S. News and World Report as a top 15 master's level public institution in the West.

San Jose State's population, like many of the other CSU campuses, is a representation of the diverse community that it serves. Many of its students are from immigrant families and are the first in their families to attend or graduate from college. San Jose State University is also redefining what a traditional student is, as over a quarter of the undergraduates at the university are over the age of 24.

□ 1830

Surrounded by Silicon Valley, students are able to supplement their classroom knowledge with hands-on experiences at many of the innovative firms and agencies in the Valley through internships, summer programs, and research assistance.

All of the CSUs, including San Jose State, play a critical role in preparing students for California's economy. With 91,000 annual graduates, the CSU is the State's greatest producer of bachelor's degrees. These students then help drive California's economy. And according to CSU, for every $1 the State invests into the CSU system, the CSU returns $4.41. CSU sustains more than 200,000 jobs in the State. And CSU-related expenditures create $13.6 billion in economic activity.

Often referred to as the ''People's University,'' CSU reaches out to California's growing underserved communities. CSU provides more than half of all undergraduate degrees granted to California's Latino, African American, and Native American students. In fact, the Chancellor, Dr. Charles Reed, is here with us today and told us at our delegation meeting today about the

outreach efforts into African American churches on Sunday to tell families, 100,000 families in California about the opportunity that CSU presents to those families. Minority enrollments and graduation and success is up among Latino families, among African American families, among families who didn't really see a way for their kids to move forward.

We know that there have been cutbacks, but the California delegation and President Obama have worked to preserve and improve affordability. Almost 190,000 CSU students will pay no fee increases due to increases in the State University Grants, Federal grants, and CSU fee waivers. So the Recovery Act has provided millions of needed dollars to the CSU. It has provided an additional $81 million for 120,000 of CSU's neediest students through the Pell Grant program. It also provided $76.5 million to restore classrooms that would have been cut so that students can graduate in 4 years.

Mr. Speaker, I gave the commencement speech at San Jose State last year. And as I looked out over the student body, I saw thousands of young people, and some not so young, who had a dream, whose family never thought that their kids would have a chance to get an education and bite off a part of the American dream. Because of the CSU system, they are really part of our future.

I am really thrilled to be part of honoring CSU, and also noting that the entire California Democratic delegation has cosponsored this resolution. I thank my colleague for allowing me to speak, and I urge passage of the resolution.

Mr. ROE of Tennessee. Mr. Speaker, just one comment.

There are a lot of things about our education system in America that is not right. And we deal with it every day. We had the Secretary in front of our committee this afternoon. But one of the things that is right is the higher education system in America. And I will tell you that without a system like California's, I wouldn't be standing here today. I was given an opportunity to succeed. And I know so many students in California that don't have the opportunity because of cost to attend a private university, get a great education in that system. And not only is the State of California better, America is better because of this. I would urge my colleagues to support this. I once again congratulate the CSU system.

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentleman from Tennessee for his remarks. If you were educated in California, look at who you are. Thank you.

Mr. Speaker, I am pleased to recognize for 2 minutes the gentlewoman from California (Ms. CHU), a member of the Education and Labor Committee.

Ms. CHU. Mr. Speaker, I rise today to honor California State University on its 50th anniversary. The CSU system is a model for States across the country. With 23 campuses, 430,000 students, and 44,000 faculty and staff, it is the largest and most diverse university system in the Nation.

In fact, California State University Los Angeles is located right in my district and has been educating students for over 50 years. I once taught there, and I know firsthand that this is one of the most affordable and diverse Cal State universities in the state, if not the Nation.

Since most Cal State LA students come from families with incomes under $50,000, this university plays a critical role in making it possible for every student to attain their dream of a college education. Many of these students go on to successful careers in high demand fields such as nursing, IT, and the life sciences, and help make up the backbone of the workforce in Los Angeles County.

I commend California State University Los Angeles and the entire CSU system for serving California so well for over half a century.

Ms. WOOLSEY. Mr. Speaker, with that, I urge my colleagues to support H. Res. 1117, which celebrates the California State University system for 50 years of service and leadership, and to thank Representative LOFGREN for introducing this very meaningful piece of legislation.

Ms. LEE of California. Mr. Speaker, I rise in support of House Resolution 1117 to applaud and honor the California State University system on the occasion of its 50th anniversary.

Achieving equal access to education has always been one of my top legislative priorities and I am proud to recognize the California State University's leadership in providing high-quality, accessible, student-focused higher education to the people of California and our nation.

The growth of the California State University System over the past 50 years provides an extraordinary example of the great success that can come to institutions that prioritize equity and excellence. With 23 campuses, over 430,000 students, and 44,000 faculty and staff, the California State University System is the largest, the most diverse, and one of the most affordable university systems in the country.

The California State University has a significant impact not only on the regions immediately surrounding CSU's 23 campuses, but on the state as a whole. Because many CSU students remain in-state after graduation, California greatly benefits from the skills and knowledge of CSU alumni. With 91,000 annual graduates, the California State University is California's highest producer of bachelor's degrees and helps drive California's economy in fields such as information technology, business, and education.

Additionally, CSU students perform 32 million hours of community service annually, equating to an economic impact of $624 million. CSU's community service efforts have not gone unnoticed, as 16 CSU campuses were rightly named to the 2008 President's Higher Education Community Service Honor roll in recognition for their innovative and effective community service and service-learning programs.

As the Chair of the Congressional Black Caucus, I am particularly proud to say that CSU provides more than half of all undergraduate degrees granted to California's Latino, African American and Native American students. Additionally, as part of its African American Initiative, CSU has partnered with churches throughout California to bring awareness to students, parents and families about the importance of early preparation for college. Clearly, CSU is committed to providing an excellent education to all of California's students.

In this challenging economic climate, the relevancy of the California State University is becoming ever more apparent. The CSU deserves continued support in its vital role in the growth and development of California's communities and economy. The California State University offers unlimited opportunities to help students of all backgrounds achieve their goals, and I am proud to join my colleagues in celebrating the achievements of this extraordinary institution.

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join my colleagues from the California congressional delegation today to recognize the 50th anniversary of the California State University system.

The state's individual State Colleges were incorporated into what is today known as the California State University system by the Donahoe Higher Education Act of 1960, designed as part of the California Master Plan for Higher Education to meet the future needs of a growing state. That bill was authored by my father, George Miller, Jr., who served in the State Senate for many years.

Today, the campuses of the Cal State system can be found throughout California, and they make up the country's largest and most diverse university system. In my district's backyard, CSU East Bay is providing opportunities for young people from around the Bay Area, preparing them for the future.

I am pleased to recognize the 50th anniversary of the California State University system, and I look forward to working with the CSU system and others in California and across the country to make college more affordable and accessible for students today and for generations to come.

Mr. HONDA. Mr. Speaker, I rise today to congratulate the California State University on its 50th anniversary. I am a proud alumnus of the CSU system—I earned my bachelor's degrees in biological sciences and Spanish, and my master's degree in education from San Jose State University. The California State University, the largest state university system in the nation, plays a significant role in California's success, with graduates numbering one in every ten members of California's workforce. The California State University is also on the forefront of ensuring the opportunity to receive a quality college education for the state's increasingly diverse population. With 23 distinct campuses, from my alma mater in San Jose to CSU Long Beach and the California Maritime Academy in Vallejo, the CSU system brings higher education to a diverse student body of nearly 400,000 students every year. In 2002–03, more than half of all undergraduate degrees granted to Latino, African American and Native American students in California were awarded by the CSU.

The impact of the CSU far exceeds the number of students it educates. The CSU provides more than 200,000 jobs for Californians, and research by CSU faculty and staff is solving critical problems for the state and creating innovative solutions for business and industry. Additionally, CSU students give back to their communities by participating in 32 million hours of service annually.

In conclusion, Mr. Speaker, it is with great pride that I rise today to commend the California State University system on 50 years of not only providing high-quality, affordable higher education to meet the changing workforce needs of California, but also preparing students to become engaged members of their community, state and nation.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H. Res. 1117 and to personally congratulate the California State University system on its 50th anniversary. As a Californian, I am proud to commemorate this wonderful occasion.

California is honored to be home to 23 world-class universities in the California State University (CSU) system. As the largest university system in the country, CSU serves nearly 433,000 students annually and provides jobs to almost 44,000 faculty and staff.

I am privileged to represent the students and faculty of two of these outstanding institutions—California State University Channel Islands and California Polytechnic State University, San Luis Obispo (Cal Poly). As the newest California State University, students at CSU Channel Islands benefit from top notch classroom instruction, up-to-date technology and successful local business partnerships that provide a pathway to a well-rounded education. As a nationally ranked university, Cal Poly San Luis Obispo has become a proven leader in engineering, architecture, and agriculture.

During these tough economic times, the CSU system is critical to ensuring our 'nation's long-term economic prosperity. As the most diverse and affordable system in the country, CSU provides us with a future robust workforce. These graduates will play a vital role in the growth and development of the economy and our local communities in California and across the nation.

I urge my colleagues to pass H. Res. 1117 and commemorate this wonderful achievement.

Mr. GARAMENDI. Mr. Speaker, 50 years ago today, the State of California made a decision that would alter the course of a nation. By establishing the California State University system to work in conjunction with the University of California and California's community colleges, our state's forward thinking policymakers declared that California would be a state where higher education was the birthright of every qualified resident.

Since then, CSU has awarded nearly 2.5 million degrees, about 90,000 annually. Because leaders in California's past had the vision of what a better California could look like, the Golden State has become the world's great innovator in computers, biotechnology, space exploration, and clean technology.

The history of human civilization is replete with examples of great societies that fell into decline when they no longer prioritized education. We know that CSU returns $4.41 for every dollar the state invests in it, and CSU creates $13.6 billion in economic activity. What will happen to us if we continue to systematically defund the 23 CSU campuses that produce our future teachers, nurses, and engineers? What will happen to California if our leaders fail to recognize the fierce urgency of now?

I was proud to serve as a California State University trustee, and it was saddening to witness almost yearly increases in student fees. I never voted for an undergraduate student fee increase—essentially a tax on students—because when we tell qualified students that we can't afford to give them the education they deserve, we don't just harm the individual. When we tell more than 40,000 qualified students that they are no longer welcome to an education in California, as we did in 2009, we are really saying that California is no longer prepared to be a leader in our global economy.

Today is a day for celebration. CSU has been a pillar of growth for California for 50 years, and I congratulate all the administrators, faculty, staff, and students that have made it a success. But today must also be a call to action. We must unite to say it's time to increase investment in education and California's future.

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

The SPEAKER pro tempore. The gentlewoman yields back the balance of her time.

The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1117.

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.

CONGRATULATING THE 482ND FIGHTER WING

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to congratulate Homestead's Air Reserve Base 482nd Fighter Wing for receiving the Department of Defense Reserve Family Readiness Award. Through the vigilance of these brave men and women in uniform every day, Americans can live with a greater peace of mind. The safety of our families is dependent on them. And it is heartwarming to know that our military families are given the extra support that they need.

The strong leadership of Wing Commander BG William B. Binger has made this distinction possible. He serves as an inspiration and motivation for such a remarkable unit and support personnel.

Again, congratulations to the 482nd Fighter Wing of the Homestead Air Reserve Base for this well-deserved honor. Congratulations, ladies and gentlemen.

REMEMBERING PENNSYLVANIA STATE TROOPER PAUL G. RICHEY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, it is with a heavy heart that I rise today and speak of the death of Pennsylvania State Trooper Paul G. Richey. On January 13, Richey responded to a domestic dispute call. He volunteered because he had taken a call at that residence outside Oil City, Pennsylvania, in the past. This time he was shot in the neck as he stepped out of his car, and never had the time to react. In the residence, the shooter killed his wife and then himself.

Richey was a native of Venango County, born and reared in Sandy Creek Township, and a graduate of Franklin High School. He graduated from Edinboro University with a degree in criminology, and then from the Pennsylvania State Police Academy. He was married to Carrie Cornell for more than 15 years, and he left two children: Conner, age 9, and Catherine, 6. He was active in his church and Scouting with his son. He is also survived by his parents, Clinton and Nancy Garmong Richey.

Richey lived up to the call of honor of the Police Academy, which states, ''I must serve honorably, faithfully, and if need be, lay my life down as others have done before me.'' My thoughts and prayers are with the family.

INTERNATIONAL WOMEN'S DAY

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

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize International Women's Day and to highlight the needs of mothers around the world.

Every minute somewhere in the world a woman dies in pregnancy or childbirth. Most of these deaths are preventable with targeted, cost-effective interventions and increased access to maternal health care. I applaud President Obama's newly announced global health initiative and its focus on maternal health issues. These programs will make sustainable changes in the daily lives of women around the world.

Now I call on my colleagues to take the next step and fully fund the initiative and the programs that are meeting the dire needs of women in need worldwide. We owe the women of the world no less.

SPECIAL ORDERS

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

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

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

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

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

CORPORAL DUSTIN LEE MEMORIAL ACT

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. Mr. Speaker, I have introduced H.R. 4639. It is known as the Corporal Dustin Lee Memorial Act, to amend title 10, United States Code, to authorize the adoption of a military working dog by the family of a deceased or seriously wounded member of the Armed Forces who was the handler of the dog.

Mr. Speaker, 3 years ago I got involved with a family from Mississippi. It was somewhat by accident really. It was brought to my attention that Rachel and Jerome Lee, the husband, had lost a son named Dustin Lee, and that Dustin was killed for this country in Iraq. He was a dog handler, and the dog was wounded as well.

The Marine Corps took the dog, named Lex, to the funeral in Mississippi of Dustin Lee, the Marine who was killed. And at that time the daddy, Jerome Lee, and the mama, Rachel Lee, wanted to have the dog stay with them. Well, it wasn't possible because the rules and regulations said that the dog, which was owned by the Air Force, leased to the Marine Corps, had to be retired.

So when the family, the mother and dad, asked for the dog that their son loved so much, the Marine Corps said we need 2 more years of service by the dog Lex. And when I heard about it, I called the family in Mississippi. And my heart went out to the family. I asked the family what could we do to help. And I don't want to take credit for this, Mr. Speaker, I want to give credit to General Mike Regner, who right now is serving in Afghanistan for this country. He is responsible for this happening. I just made a phone call.

Lex was retired 2 years ago this December at a ceremony down in Georgia, and the family now has the dog. In fact, Mrs. Lee is going to bring Lex and come to Walter Reed on the 12th of April. She wants to take the dog to visit the troops at Walter Reed, which I think is very magnanimous of the mom and dad. They want to let the soldiers and the Marines there know what happened with their son Dustin and say thank you, but also take Lex so that Lex can say thank you to the soldiers and Marines at Walter Reed.

□ 1845

Mr. Speaker, I am going to yield back my time in just a second. I am going to ask my colleagues in the House to please join us on H.R. 4639. This, again, is to honor the families who have given a child who happened to be a dog handler the opportunity to own that dog almost immediately after the dog is cleared. And if it should be a wounded soldier, marine, or airman or seaman, they would have the same opportunity.

So this is a photograph, Mr. Speaker, of Lex looking at the headstone of the grave of Dustin Lee, and Dustin is there on his knees with his hands around the head of the dog which was Lex. This is very special, and that's why I wanted to bring it to the floor. I ask my friends, again, to join me in this legislation, H.R. 4639.

Mr. Speaker, as I always do on the floor of the House, I want to ask God to please bless our men and women in uniform. I want to ask God to please bless the families of our men and women in uniform. I want to ask God in his loving arms to hold the families who have given child, dying for freedom in Afghanistan and Iraq.

Mr. Speaker, I want to ask God to please bless the House and the Senate, that we will do what is right in the eyes of God for his people throughout this country. And I want to ask God to give wisdom, strength and courage to the President, Mr. Obama, that he will do what is right in the eyes of God for God's people in this country. And three times I ask God, Please, God, please, God, please, God, continue to bless America.

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.)

HARVEST MARKET OF GRAINFIELD, KANSAS

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

Mr. MORAN of Kansas. Mr. Speaker, I am here this evening to recognize the Harvest Market for its service to the community and the citizens of Grainfield, Kansas. The Harvest Market represents everything that makes a small-town business work—community support, dedicated employees and a desire to maintain a quality of life for those living in and around Grainfield and Gove County, Kansas.

During my travels throughout our congressional district, the community grocery store has proven itself to be the cultural center of rural Kansas. I frequently hear from Kansans who contact me following a conversation they've heard at the grocery store. Many times the grocery store, along with the local barber shop, provides patrons with the day's current events and activities. Economic development within the First Congressional District of Kansas can easily be seen as whether a community does or doesn't have a grocery store. And I know my colleagues here in Washington, D.C., at least some of them, find that hard to believe that that can be an issue in a community.

The viability of rural Kansas depends upon fresh and affordable food as well as the jobs a grocery store provides. When we lose our grocery store, we begin to lose our town. Grainfield is no exception to this rule. In this tiny community of 300 people, Harvest Market provides the people of Grainfield with everything from a cup of coffee from the in-store shop to the food that will make the evening's dinner.

Dan Godek and his wife, Nicole, own and operate the Harvest Market. The Godeks continue to work hard by supplying a wide variety of affordable produce with meats and dairy products in order to make the local shopping experience more enjoyable. With people in rural Kansas willing to travel to other communities featuring larger stores, maintaining that competitive edge is vital to both the store and the community.

The couple has also made efforts to make the store more energy efficient. They've installed more efficient coolers and are making plans for freezers and reusable grocery bags. These changes for efficiency reflect the long-term goal of maintaining a thriving business in this small town. Store efficiency will help cut down on costs, allowing the Godeks to put the extra money back into the store. This increased input means additional choices for their shoppers.

Harvest Market is a socially important component to Grainfield as well. The store serves as a community center for people to visit with their neighbors. It is here that residents discuss local news and run into old friends. The Godeks also participate and help sponsor community events as their way of giving back to the townspeople. Just a few of their civic activities include organizing and sponsoring Cruise, Shoes and BBQs, as well as sponsorship of the Harvest Pie Festival on Labor Day weekend.

While the Godeks work hard to maintain the success of the store, their fellow residents also have chipped in to help around the store. Dan says that he is very impressed with the locals and how much they've supported him. Customers are more than willing to lend a helping hand by retrieving items from the back and straightening the shelves. One Grainfield resident commented, It's not just my store; it's everybody's store. They're all proud of it too. Even

Dan's mother-in-law makes the point to stop in to help stock shelves.

The willingness of the Grainfield residents to partner with the Godeks to help one another succeed is a great example of the many values that rural America lives by. They can be proud of their achievements, just as I am proud to represent these kinds of people. Congratulations to Dan and Nicole in their efforts at Harvest Market and the services they bring to Grainfield. And thank you to the town of Grainfield and the citizens of Gove County for the support of the Godeks and the Harvest Market.

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.)

NATIONAL FRAGILE X FOUNDATION ADVOCACY DAY

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

Mr. HARPER. Mr. Speaker, as you may know and many of you may know, my wife, Sidney, and I are blessed with a precious 20-year-old son named Livingston and a wonderful 18-year-old daughter named Maggie. Early in Livingston's life, we noticed that he was not reaching developmental milestones as quickly as the other children his age. He was slow to walk, slow to talk, and at times, he would flap his hands, rock back and forth, and chew on a terrycloth doll that he had. Doctors continuously informed Sidney and me that he was developmentally delayed and that he would grow out of it. We were told not to be concerned.

When Livingston was nearly 19 months old, and we were 3 months pregnant with Maggie, our doctor informed us that something could be wrong. At that time, he didn't know what it was but assured us that he would begin searching for what the diagnosis was. Over the next 2 years, our lives were consumed with occupational therapy and speech therapy and visits to the doctor, trying to find out what we had, along with other diagnostic tests. Livingston was misdiagnosed with mild cerebral palsy and was said to be a near miss on autism. My strong and loving wife dealt with these issues on a daily basis and dealt with the brunt of the day-to-day activity with Livingston. After almost 2 years, we were finally able to get a correct diagnosis of fragile X syndrome.

Most fragile X families have shared similar stories of delayed diagnosis. This is why I support the work of the Fragile X Clinical and Research Consortium. Fragile X associated disorders are genetic, resulting in behavioral, developmental and language disabilities throughout a person's life. It is linked to a mutation on the X chromosome and is the most commonly inherited form of intellectual disabilities. Fragile X is also linked to reproductive problems in women, including early menopause and a Parkinson's-like condition in older male carriers. Today over 100,000 Americans live with fragile X syndrome, and over 1 million Americans carry a fragile X mutation and either have or are at risk for developing a fragile X associated disorder. Further, as many as one in 130 women are estimated to be carriers of the fragile X mutation, according to current studies.

Over 140 fragile X advocates visited Capitol Hill today, educating their Members of Congress on the potential for effective treatments, raising awareness of this disorder, and sharing their very personal stories. As one of the cochairman of this bipartisan Fragile X Caucus, I am committed to improving the health of children and adults across the country living with this disorder.

Last year our caucus, united with the National Fragile X Foundation, reached many of our targeted objectives. Working with Senator THAD COCHRAN of Mississippi and other Members of Congress, we secured funding for a national postsecondary education demonstration program which was authorized in the 2008 Higher Education Opportunities Act but was previously not funded. This program will give hope to families and will allow young adults with intellectual disabilities to perhaps enjoy the opportunity and the experience of going to college.

The Fragile X Caucus supported funding for the Centers for Disease Control to establish public health activities for fragile X syndrome, obtaining $1.9 million for the current fiscal year. Our coalition obtained report language in support of efforts at NIH for the implementation of their research plan on fragile X. And we succeeded in adding fragile X to the list of disorders eligible for medical research projects under the Department of Defense's Peer Reviewed Medical Research Program.

These accomplishments have had a significant impact on the fragile X community, but I assure you that this is only the beginning of our very promising journey. This year the Fragile X Caucus will work with other Members of Congress to push the NIH research plan on fragile X syndrome and associated disorders and will urge Congress to continue funding translational research that shows significant promise of a safe and effective treatment for this disorder. We will request that the Department of Defense expand the Peer Reviewed Medical Research Program to include fragile X-associated disorders in the eligible research topics for their fiscal year 2011. And we will advocate for continued support to grow the National Fragile X Public Health Initiative and the Fragile X Clinical and Research Consortium in order to expand to geographically underserved regions.

I commend the ongoing research being conducted in drug therapy, and we hope that it will lead to successes. We must continue to focus on efforts to enhance the lives of these families who are blessed with a fragile X child. As the only Member of Congress who has a child with fragile X syndrome, I understand the challenges that many families face who experience this condition. For our family, fragile X has become a lifelong labor of love and daily blessings. Every day we thank God for our son, Livingston. My family's commitment to these courageous individuals is that we will work tirelessly to increase awareness of this genetic disorder.

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.)

RECOGNIZING DR. BARTH GREEN'S EFFORTS IN HAITI

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. Mr. Speaker, I rise tonight to recognize the tremendous contributions of the relief efforts in Haiti made by Dr. Barth Green and the University of Miami's Global Institute's Project Medishare and the Miller School of Medicine at the University of Miami. When Haiti was devastated by the earthquake which struck on January 12, Dr. Barth Green, cofounder of the UM Global Institute's Project Medishare for Haiti, and a team of 11 doctors and nurses immediately sprung into action. Arriving the very next day, they were the first medical team in Haiti following this catastrophic earthquake, and within less than 24 hours at the request of Haitian President Rene Preval and the Haitian Ministry of Health, Project Medishare had set up a field trauma hospital on the grounds of the Port-au-Prince Airport. This 300-bed critical care hospital is now reportedly the country's largest functioning urgent care hospital. It is working closely with the U.S. military in Haiti, providing important triage services in collaboration with the U.S. Navy ship *Comfort*.

Under Dr. Green's leadership, Project Medishare has deployed over 500 medical, administrative and logistical personnel to staff the hospital, and they have effectively treated hundreds of patients on a daily basis. So far, more than 2,000 earthquake survivors have received care at the University of Miami Hospital. In addition, the Project Medishare UM Global Institute Hospital has served as an important clearing house and staging point for medical evaluations and for other hospitals that are operating in the Port-au-Prince area.

But it doesn't stop there, Mr. Speaker. Because Project Medishare has been engaged in health and development work in Haiti for over 15 years, they were able to quickly grow their emergency response efforts across all of Haiti. They were able to expand their longstanding programs in Cap Haitien and in the central plateau to care for earthquake-injured individuals who had left the capital city to be with their families elsewhere.

Similarly, because the UM Global Institute has been working in Haiti for nearly 40 years now, it is uniquely positioned to work with the Government of Haiti, the U.S. military and other organizations to help organize medical teams on the ground and implement field hospital plans around the capital city.

□ 1900

Notably, Project Medishare is also making an effort to integrate medical staff with the Haitian Ministry of Health and other local Haitian doctors and nurses in an effort to better train each other.

As Dr. Green himself explained, ''We're beginning to train our Haitian colleagues so, when we hand off these hospitals in the next couple of months, they'll be there forever. We're not rebuilding Haiti the way it was; we're rebuilding a different Haiti.''

Dr. Green has also said that they plan to leave with your colleagues in Haiti every piece of the transported equipment used for their relief efforts. This will help to transition the immediate relief assistance they have provided into real, longstanding, sustainable progress for the people of Haiti.

I was so proud to coordinate Dr. Green's efforts with our U.S. military personnel on the ground and in my district at the U.S. Southern Command. I applaud the many individuals who have participated in the relief efforts headed by Dr. Green, by the University of Miami, by the Global Institute's Project Medishare, and by the U.M. Miller School of Medicine. The work of private individuals and organizations such as these is key to the broader U.S. response to the crisis in Haiti.

Again, I would like to recognize the tremendous contributions made by Dr. Green and his partners at the University of Miami, especially U.M. President Donna Shalala, to the relief efforts in Haiti. My sincere gratitude for their selfless dedication to this cause. Congratulations, U.M.; congratulations, Mr. Barth Green.

RECOGNIZING MINNESOTA'S 34TH INFANTRY

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

Mr. PAULSEN. Mr. Speaker, the amount of sacrifice given to this Nation by those serving in our Armed Forces is truly inspiring. American men and women in uniform are a remarkable symbol for our country, and we are truly proud of their dedication.

The Minnesota National Guard's 34th Infantry Division, known as the Red Bulls, have served our State and our country with honor and are truly the best our Nation has to offer. Their dedication to ensure freedom has been a momentous task, and they continue to succeed with utmost bravery.

This responsibility is no small task. Indeed, ensuring democracy in a fragile state is something that takes courage and trust.

Most recently, more than 1,000 members of the Red Bulls were deployed to Basra, Iraq, where they took command of 14,000 troops in nine of Iraq's 18 provinces. After serving long hours and giving up days and years of their lives, the Red Bulls have finally returned home to Minnesota, and it was a joyous occasion. Families and friends were reunited after serving our country and representing our State. These heroes took part in the Minnesota National Guard's nationally recognized ''Return to Yellow Ribbon'' reintegration program which helps soldiers ease back into everyday life.

To give thanks for their extended service, in January 2007, the Post-Deployment Mobilization Respite Absence program, PDMRA, was implemented to offer extra pay for those who served extended time overseas during deployments in Iraq and Afghanistan.

But despite this promise, more than 23,000 troops did not receive the benefits they were promised due to the bureaucracy and the red tape within the Department of Defense. Troops that were owed thousands of dollars, they didn't see a dime. This was entirely unacceptable. This type of delay, whatever the excuse, was certainly outrageous. And although this was not a new issue, I was proud to work on this issue as soon as I arrived in Congress. In fact, the effort was led by Representatives JOHN KLINE and TIM WALZ from Minnesota, along with the rest of the Minnesota delegation, and Representative BRUCE BRALEY from Iowa, whose tireless work on this issue should not go unnoticed.

Mr. Speaker, when it comes to our veterans' issues, partisan politics are not an option. We all share a common goal in Congress to support our troops, and have worked together to ensure that those who serve our Nation get the respect and the recognition that they deserve.

While we authored legislation that would have provided an immediate fix for this issue, a major hurdle was that many Members of Congress did not know the problem ever existed. Despite the fact that 19 States had 500 or more constituents who had not received money, many Members were unfortunately unaware, which was a major hurdle in passing this legislation. And so we made it our mission personally to educate Members of Congress about the problem, and we tried to raise awareness about the issue.

We also sent numerous letters to the Defense Appropriation and authorization committees so we could begin to address the problem in Congress, while thousands, in the meantime, continued to wait for the DOD to act. In the House, we were successful in getting language in the Defense authorization bill, and we got money allocated in the Defense appropriation bill. Unfortunately, the Senate authorization bill had language to fix the problem but their appropriations bill did not include the funding. Sadly, after all of our efforts, the final Defense appropriations bill that the President signed into law did not contain the funding that was needed to provide the fix to this problem for our troops.

But we kept on fighting. We did not give up, and the issue was raised in a question by Representative KLINE to Defense Secretary Gates during a House Armed Services Committee hearing recently, and it was just shortly after that the Department of Defense announced it was changing its policy and that they would end these burdensome regulations in order for the soldiers to get the money that they were promised a long time ago.

So I am proud to report that now the first checks have been mailed out to our deserving troops. The Red Bulls, without a doubt, deserve every dollar they will be receiving after this 3-year wait. I want to take this opportunity to thank them again for their service and pledge to them that we will fight to make sure that a similar situation never happens again in the future.

HONORING THREE PENNSYLVANIANS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, some say that America is successful because of what we do here in Washington. I couldn't disagree more. America is successful because of her citizens. And tonight, I want to share and talk about and recognize three such individuals from Clinton County, Pennsylvania.

Mr. Speaker, the first is Donald Mellott. On Friday, February 12, 2010, veteran fire policeman Donald G. Mellott made the ultimate sacrifice in the line of duty while serving the citizens and communities of Clinton County, Pennsylvania. Mr. Mellott tragically lost his life while working to control the traffic scene of a two-vehicle crash on Lusk Run in Bald Eagle Township.

A long-time public servant in Clinton County, he most recently served as captain of the Woolrich Fire Police Association. Captain Mellott was instrumental in shaping the future of the Clinton County Fire Police Association.

He began his public service at the age of 16 and served his communities for 46

years. His involvement originated in his home community of Flemington, and he has been an active member of the Lock Haven Citizens, Dunnstown, and Woolrich fire departments. He was also involved in public service as a member of the local Masonic Lodge.

Captain Donald Mellott's life embodies that of a true American hero. He lived and served with a commitment to making a difference in the lives of both his neighbors and complete strangers. He sacrificed personally, missing family time, meals, and full nights of rest when called upon to serve those in need.

While we mourn the loss of this American hero, we celebrate his lifetime record of service and his principles of public service. The families of all fire and emergency personnel share in the service and sacrifices of their loved ones. To the Mellott family, please know that I am keeping you in my prayers during this very difficult time.

The second individual, Mr. Speaker, I rise to honor today is Jerry Updegraff, who has spent 20 years raising funds to advance the causes of Lock Haven University in Pennsylvania.

He plans to retire with a balance sheet of more than $40 million in contributions and other income that has come to the university during his tenure as executive director of the Lock Haven University Foundation.

Jerry represented the university on the Council for the Advancement and Support of Education and was past chair of the Clinton County Economic Partnership. Last month, he received a lifetime service award from CASE for his contributions to higher education over the course of his 42-year career.

I also know him as a former member of the executive board of the Susquehanna Council of the Boy Scouts of America, where he served with honor.

Prior to joining Lock Haven, Jerry had public relations and fundraising responsibilities at the University of Toledo, Bowling Green State University, and the University of Charleston.

Jerry recently surpassed the $10 million fundraising goal in Lock Haven University's capital campaign by helping to raise $11.6 million. We thank Jerry for his dedication and his outstanding service to Lock Haven, and wish him well on his retirement.

Finally, Mr. Speaker, I recognize Lock Haven University President Keith T. Miller. Keith has been an outstanding representative for the college. Enrollment has grown under his tenure, as has the honors program. Lock Haven has achieved All-Steinway status and qualified for National Science Foundation grants since Dr. Miller arrived in 2004.

He is a warm individual whose dedication to the school was always in evidence. He never stopped promoting and believing in the mission of the university. I am pleased for Dr. Miller that he is going to assume the reins of Virginia State University in Petersburg, Virginia, in July. Their gain is our loss.

Before Lock Haven, Miller was provost and vice chancellor of the University of Wisconsin-Oshkosh, dean of the College of Business at Niagara University in New York, and associate dean of the School of Business at Quinnipiac College in Hamden, Connecticut.

He holds a bachelor's, a master's, and a Ph.D. from the University of Arizona, but he has also worked in sales for Proctor & Gamble. He counted that as good experience for teaching business. I can continue to describe his distinguished career and many attributes, but suffice it to say that Lock Haven and Lock Haven University will miss Dr. Miller, as will I.

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.)

HEALTH CARE TAKEOVER

The SPEAKER pro tempore. 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 be able to join you, my colleagues, and those gathered in various places around the buildings here near the Capitol.

I have had the opportunity, having served in government as a legislator for a number of years, to serve both in the majority, in the minority, but also in the wilderness. This last year and a half has been different; I have served in the wilderness because we have actually come up to the edge of the abyss with a piece of legislation that promises to be so threatening and so destructive to our country that should we decide to swallow this poison pill and pass this piece of legislation, America will never be the same.

I have seen, in the majority and in the minority, pieces of legislation which are harmful and that may be poor solutions to some particular problem or solutions to a problem that doesn't exist or excuses just to have more taxes and more government control, but we have never quite seen a threat like the threat that confronts America today, and we, you and I, my friends, who love the red, white, and blue, are looking off the edge.

I don't know if you have ever stood on the edge of the rim of the Grand Canyon and looked thousands of feet downward, or if you have ever been on the top of some high skyscraper or bridge and looked off into empty space, but that is where we stand tonight. That is where we stand this week or next week in America. We are standing looking into the abyss, into a piece of legislation which is quite possibly going to be passed. And if it is passed, it will leave our Nation very, very weak, much weaker and unlike anything that we have seen before.

It threatens to do two major things: to destroy the quality of health care in America, and to destroy the fiscal integrity of our very country. I am talking, of course, about an old topic, a topic that has been debated now for more than half a year here in Congress. It has absorbed the attention of the Nation, and it is an interesting topic because the more that it has been around, it seems the more the public is aware of it, and the more they see of it, the more they don't like it. In fact, as you start to take the covers off the legislation on health care, it becomes a very ugly picture, and the American public is wise. In fact, the statistical information suggests that at least 20 percent more Americans believe that we would be better not passing this piece of legislation and a great majority think we should just scrap it and start over again by systematically defining a problem and fixing it rather than having government take over all of health care.

□ 1915

Now, the process, the way that the legislature works historically has been so boring that none of the American public pay any attention to it, but that has changed since we have been in the days of looking into the abyss, the abyss of the destruction of health care and the destruction of our economy. And people are becoming conscious of how it is that bills are passed and how they become law.

What would be required to have this health care bill passed would be a process that people call reconciliation. What that means essentially is that the bill would end-run or bypass a safety process in the U.S. Senate. The U.S. Senate has a very conservative way of operating, and that is that you can have a bill that you have 51 Senators who would vote for it—so it would pass if you had a chance to vote on it—but they put this extra caveat, that you have to have 60 Senators agree to bring it up for a vote. So in a sense, everything in the Senate requires a 60 percent approval before it goes to a final vote.

Now, there is an exception to that, and that is because of the necessity of dealing with the budget and spending and taxing and some of those issues, that on certain financial kinds of transactions, because of the fact that we can't afford a gridlock, we allow a 50-vote majority to be able to move something along, and that's called reconciliation. But it is not a process that is typically used for a completely new bill on a very broad subject, which is not just specifically a financial kind of thing.

We have this quote from our President on this subject of reconciliation, he says, ''Reconciliation is, therefore, the wrong place for policy changes.''

Now, wait a minute now, this is the President saying ''reconciliation is, therefore, the wrong place for policy changes. Isn't the health care bill a policy change? I guess it is. It's a whale of a big policy change.

In short, the reconciliation process appears to have lost its proper meaning. A vehicle designed for deficit reduction and fiscal responsibility has been hijacked to facilitate reckless deficits and unsustainable debt. Well, I wish the President would pay attention to his own words. This is what he said, Reconciliation is not a place for policy changes, and yet the health care bill is a massive policy change. It will take over about one-sixth of the U.S. economy. The government will step in and effectively run one-sixth of the U.S. economy with all kinds of rules and regulations and bureaucracies. I guess that's a policy change, Mr. President.

In short, the reconciliation process appears to have lost its proper meaning. Indeed, it does. A vehicle designed for deficit reduction and fiscal responsibility, that's what the reconciliation process was supposed to be about, and in fact it's going to be hijacked. It's been hijacked to facilitate what? To facilitate jamming down the throats of the American public a bill that America clearly does not want us to do. They want to take the reconciliation process as a mechanism to jump with all of America into the abyss.

So I think it's interesting that after the votes, particularly the vote in Massachusetts where the Democrats do not have 60 votes in the Senate, they don't have one Republican that would support this bill, not one, for people who have served in the legislature, that is a huge warning sign. When you see a total party line vote on something, that means there's some problems.

Usually in the legislative process, if it's been done properly, a lot of people have a chance for input, people have a chance to improve and say this part seems to be a little radical, let's go back this way. Usually what you have is more of a mix of people. When you see something being jammed in a process that is not designed—that is, reconciliation—for this massive policy change, and you see not one Republican voting for it, that should be a warning sign for people everywhere, and it is a misuse of reconciliation.

And so while the public is saying in poll after poll, survey after survey, phone call after phone call from our districts, stop this train, do not jump into the abyss, do not allow the Federal Government to take over one-sixth of the economy, and yet, what do we see? We see a tremendous determination to jam this bill through, whether the procedure fits or not. But it's my way or the highway, and we're going to do it because we know what's best for you.

This is a very high-handed approach, and it is something that does not—never does and never will—produce a good consensus in America. It will be something that will divide America, create a tremendous amount of tension and pressure, end up with lousy health care, and a Federal budget that is even more out of control.

Now, if you take a look down here, we have another quote from the Speaker of the House, NANCY PELOSI, and it says, ''This will take courage.'' In other words, for the Democrats to vote for this bill, it will take courage. What does that mean, it will take courage? Well, if it takes courage, it means somebody is going to be mad, somebody is not going to like it. And so you have to be courageous and stand up to somebody who doesn't want you to vote for this bill. Who do you think the ''somebody'' is? Is it the Republicans? The Republicans don't like it, but we have 80 votes less than the Democrats, so we can't say much of anything about it other than explaining why we don't like it. But our votes don't make the difference.

NANCY PELOSI has a whole lot of extra votes. She could have 20 or 30 people vote no and still pass this bill. So why does this take courage? Well, it takes courage because somebody doesn't want it, somebody very much doesn't want it, and they're going to be mad if it's jammed down the throats of the American people. Who is the somebody going to be? You got it, the American public.

People are not going to like this bill. So if you vote for it, the point she's making is you're risking your seat because people are going to be mad. It's interesting when the leader is saying it's going to take courage. That says somebody doesn't like it.

Now, are there some reasons why people don't like the bill? Well, first of all, this is a rough flowchart trying to describe what happens when the government takes over one-sixth of the U.S. economy. Obviously, there's a whole lot of things being done by private institutions which will be replaced with government institutions, and they've got to figure out how to replace it all. So no wonder it takes almost 3,000 pages of bill to try to put some sort of a scheme together for the government to be running the health care business.

Now, on the surface of the whole situation with this bill, this is not an easy sell. As you know, this bill has been around for more than half a year—I guess it's three-quarters of a year. People don't like it very well. The President thinks it's a beautiful bill, but the more that people see it, the less they like it; they think it's an ugly bill.

Well, let's just think about the logic of this, stand way back away from all the details of health care. We've got Medicare and Medicaid, both of those have to do with medicine. They are both very large Federal entitlements, Medicare, Medicaid. In fact, the great challenge to the American budget are three entitlements. People say earmarks is what it's all about. Earmarks are 1 percent. Earmarks are not the thing that's really a threat to the budget. The thing that's a threat to the budget are three entitlements: Social Security, Medicare, and Medicaid. Two of those have to do with health care—Medicare and Medicaid. And what's the problem with Medicare and Medicaid? Well, they're financially broken, and if they continue as they are right now without changing those laws, they will bankrupt our country.

So we've got Medicare and Medicaid, government programs that are currently bankrupting our country. And so what are we trying to sell the American public? Oh, hey, we've got the government running Medicare and Medicaid, they're bankrupting our country, so let's take over all of health care with the government. There is something intuitively counterintuitive about that, isn't there? Why would you want the government to take over something that it's already messing up, that not working financially, that is in the process of bankrupting our country. If you can't do it in a smaller area of Medicare and Medicaid, why do you want to expand it to everybody?

So this is kind of a hard sell for the President, and that's why it's taking a lot of courage and why this bill is not moving any too fast and why the public doesn't like it. But there are many, many other reasons. You can see the complexity here, and as you can imagine, when you start to look at the details, you find that it is full of a lot of little devils. One of the things that you find—and I think one of the little devils that is perhaps most noxious to a lot of American people—are the special deals. You see, when you have a piece of legislation that's going to take a lot of courage, you have to put some sugar in it to make people vote for it. And the sugar, of course, comes in the special deal form.

So what you find in the legislation—to the best of our knowledge, because the idea about transparency and openness we have not seen, and so we don't actually see exactly what's in this bill in its final form, but you see what it was like in the House, we saw what it was like in the Senate. But we find that it has some of these special little things, that is, that it's going to take $500 billion out of Medicare, but is it taking $500 billion out of Medicare all the way across the country? No. In fact, in the State of Florida, it's not going to take any money out of Medicare Advantage at all. So it won't be coming out in Florida, but in the other States, they do take it out. Well, that was a special deal for somebody in Florida.

Then we've got special deals for—I think it was called Louisiana Purchase II for Louisiana; special deals for Massachusetts that Medicare gets these special reimbursements there; going to build a hospital, as I recall, in New Jersey, but not in other places. So you have special deals. That's one of the things that makes this look ugly to the

voters because you're not treating every State the same; you're making some States pay more and other ones don't, and you're making some special adjustments for various people.

You find there are special adjustments for people who work in a labor union, but somebody who works the same kind of job in a company that's not in a union doesn't get the same break as if you are in a union. So again, this is one of those special deals. The American people in general see that and say that isn't fair, that isn't right, that isn't good legislation, that's special deals. We don't like special deals because they don't treat people equally before the law.

Now, when you take a look at the complexity of this chart, what it suggests is that this is going to be expensive. Not only is it going to be expensive, if you've got a problem and you fall through the crack somewhere, you may never get over to getting any health care at all because it has got so much redtape and bureaucracy. And so the whole idea of this kind of a system working well and providing good quality service is a little bit hard to understand. And when you take a look at the failings of Medicare and Medicaid in terms of the projected way that they're going to take our country into bankruptcy, do you really want to expand all of health care into these categories? So there is a fiscal sanity kind of component.

One of the ways to take a look at the bill and to ask some questions and to get a sense of what's going on as to why this bill is unpopular as people study it and see more and more of it, these are some comparisons of what the health care proposal does. This is the old Democrat bill, this is the President's new online bill, and this would be the Republican alternative, or alternatives. So we have three different bills in comparison here, and a comparison based on a number of different criteria. I think it may be helpful to take a look at some of those.

First of all, it says here that it imposes half a trillion in Medicare cuts. We talked about that just a minute ago. This bill is going to cut Medicare. You always heard the Democrats saying the Republicans are going to take your Medicare away. That didn't turn out to be true, we have not done that, but this bill does. This bill is going to cut $500 billion out of Medicare, and the answer to this of course is yes, the old Democrat bill did that. That's the yes. The President's new bill is going to do the same thing. So it's going to impose a half a trillion in Medicare cuts. The Republican alternative does not.

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So this is one of those situations where people are a little uncomfortable. Medicare is having trouble financially, and doctors are not being reimbursed very much in Medicare, so they're starting to not accept new patients because they're not being reimbursed enough to make it worth their while to take patients. If that's a problem in Medicare, why are we going to pull half a trillion dollars out of it? That's one of the ways you can look at these bills. So there is a difference. The Republicans are not proposing that, but both the President's new online bill and the Democrats' bill do that.

Then it also enacts job-killing tax hikes and government regulations, costing hundreds of billions of dollars. It's a $1 trillion bill, which is a conservative estimate. This bill is going to cost a lot more than $1 trillion. How do you pay for it? Guess what. By tax increases—right?—and with cuts to Medicare. So the tax increases here are going to come from where? Well, a lot of them come from small businesses. When you tax small businesses a whole lot for their employees, guess what's going to happen? They're not going to be able to hire as many employees, so this bill then has the effect of causing unemployment.

So, in our particular climate, with unemployment near 10 percent in America and with not a lot of sense of hope that that employment is going to turn around in a hurry because of very badly shaped policies by the Federal Government, particularly policies which hammer small business owners, to have this bill which is going to tax heavily small business owners and which is going to put tremendous new government regulations on them which will cost billions of dollars is not something, from an unemployment point of view, that is a very good idea.

This is going to be done by the old Democrat bill and the President's new proposal. The Republican alternative, it won't surprise you, is not enthused about tax increases, and we don't know that that's the best way to be dealing with some of our problems in medicine.

I am joined by a very good friend of mine, Congressman BISHOP. I would very much appreciate his perspective as to what we are talking about.

I've just been saying—and I don't think I am overdramatizing this—that, to a degree, it's my sense that America is standing on the edge of an abyss, like looking over the Grand Canyon or something, and that, if we step off the edge and misuse this reconciliation process, we are going to damage our country in a way unlike anything that we have seen before.

Please join me.

Mr. BISHOP of Utah. I appreciate being able to join the gentleman from Missouri here, and I appreciate his efforts so far in explaining the differences in these particular bills.

I want to echo that I agree with you that we are in a precarious situation. There are those who would tell us that the most important thing we could do right now is to pass something. A lot of bad pieces of legislation and policy changes have happened when we have simply passed something that was there. Our goal on this particular issue should be to pass the right type of reform, not just something. Until we get the right type of reform, we should never actually quit looking to form a way that is best in providing options and choices to the American people.

I am assuming, when you started, that you talked about some of the four supposed, alleged, Republican proposals that were added today. You know, when I first saw that, I thought somebody was pulling my leg. It was a joke. I find it ludicrous and somewhat insulting to the American people that there are actually those who believe, if you take a $1 trillion program which transfers power from the American people to bureaucrats in Washington, by adding more spending for a few studies and for a few small, little tweaks here and there, that that's actually better and that that's going to buy people's support.

I think one of the things, maybe, we have done too long in both Houses of this Chamber, perhaps with both parties, is we've spoken too long about it. We've been giving speech after speech as if that's going to convince Americans to go along with this program. What we should do now is listen to the reasons Americans have complaints about the core program that is before us.

I appreciate what you're doing up there. You're going through some of the core problems in this particular bill—that a few little add-ons, which cost even more money, are not going to sell this core problem issue.

If I could say just one more thing—go ahead.

Mr. AKIN. It sounds like what you're saying is that you can chrome-plate a pig, but it's still a pig when you're done. Go ahead. Yes.

Mr. BISHOP of Utah. I've actually been trying to think of a lot of metaphors here, and I don't think any of them really work terribly well.

Except I do remember one time when my oldest kid was about 3 or 4. He had been given a candy bar and was supposed to participate in a program, and he didn't want to go up and join the other kids in the program. So I took his candy bar away. I said, If you go up there and perform, I'll give you a candy bar. Of course, he was dumb enough to accept that, and he waddled right up there and did the program, and I gave him his candy bar back.

I hope that people don't think, just by giving me my candy bar back, I'm going to buy this program, because the program hasn't changed. It is still fundamentally flawed.

A reporter just asked me, Don't you think these bills should have an up-down vote? Well, here in the House, everything is an up-down vote.

Also, the bills that have been introduced by Representative SHADEGG and by Representative PRICE have a different approach to solving the problem and to reforming our system, which is based on giving power to the people so that people can make choices. Representative AKIN, I think they deserve

an up-down vote in this body as well. Instead, they have been prohibited from even being discussed in committee or on the floor.

Mr. AKIN. So, in other words, what's happening is you have other approaches to solving some of the problems of health care, not trying to have the government take it all over but, rather, to fix various component parts. We have a Rules Committee. If you want to offer a suggestion, for instance, they prohibit you from offering it as an amendment to get an up-or-down vote on it; is that correct?

Mr. BISHOP of Utah. Yes. I would simply suggest to the leaders of our Congress and to the President, instead of saying, If you have ideas, give them to me, and I'll make a choice on whether they're good or not, put the ideas on the floor.

Mr. AKIN. Well, that's the way the process has worked. Yes. Go ahead. Right.

Mr. BISHOP of Utah. Put those ideas on the floor, and let all of those ideas be fully debated in front of the American people. Give an up-down vote on every idea that's out there. Just perhaps, just perhaps, we will find that there is a needed reform to our health care system that actually meets the needs of the American people, that does not cost them out of existence, that does not cut jobs, and that does not move power away from the people back here to Washington. It allows people and their doctors to chart their own futures.

I have said it a couple of times when I've talked to you on the floor here on this issue: the State of Utah launched last year a reform of the health care system based on Utah's unique demographics. We have the youngest State in the Nation. Our median age is younger. We also have probably more small businesses which don't provide insurance than in most States. We need something specifically for our need, and we have launched a program that is well designed with fundamentals. It still needs to be tweaked, and it still needs to be worked on, but it is based on our needs and on our demographics. If either the Senate or the House bill, these one-size-fits-all programs, were to pass in any form, it would totally destroy what the State is trying to accomplish.

We are not the only ones with brilliance here. We are not the only ones who care about people. We should be partnering with States to come up with new and creative ideas to meet the individual needs of our people in their individual areas, and we flat out are not allowing that to take place.

Mr. AKIN. We are basically muzzling a lot of the representative process.

As you said, there have been different analogies. You talked about your son with a candy bar. Another one was the idea of a kitchen that has a broken sink. When you hire a plumber to fix the broken sink, you don't remodel the entire kitchen. Of course, that's the model that the Democrats have been using. It's the concept of, Ha, the sink is broken. Therefore, we can remodel the whole kitchen. They have the idea of remodeling the kitchen, and they've been wanting to do that for a very long time. The broken sink is now the excuse to remodel the whole kitchen.

I think the point of the matter is that the American people would be more comfortable and the legislative process would work better if we were to say, ''Let's define a specific problem in the health care system.'' Instead of having the government take it all over, let's try to solve that one individual problem. I guess it depends on how you explain it or say it.

If I were to ask, Gentleman, would you like the government to buy you a house, you might be tempted to say, Well, that sounds pretty good. Yet, if I were to ask, Would you like to live in government housing, you might think, I'm not so sure I want that. That may be a little bit of an analogy to explain what we've got here.

The idea is to say, ''Hey, don't you want free health care?'' But the other way of looking at it is, Do you really want the government making health care decisions, or would you prefer that your doctor makes those decisions? So it depends how you say it, but the American public has gotten wise to this, and that's why you've got at least 20 percent more in the number of Americans who don't want this program.

Mr. BISHOP of Utah. Well, I think the gentleman has also brought the other chart down here, which you probably used earlier, which is how the system would be structured. Now, when the first bill was presented by our good friends on the other side, that was the structure. I hate to say this. Over all the times we've just discussed it, that typical Washington approach of convoluted, complex patterns and about people making decisions hasn't changed at all. As we have come through and have supposedly come up with this new idea that has a few tweaks from the Republican side, there has been no compromise on the basic problem, which is that structure.

Mr. AKIN. You know, I kind of like this chart because I think that some entrepreneur could make money with this chart. If you were to just shrink it down a little smaller and add some additional lines, you could start over here. These are the consumers. These are the people who are sick. The medical professionals are over there. You could sell it to restaurants as a placemat and give people crayons, and customers could try and draw and see if they could get through the maze to get over to the health care professionals, because that's a little bit how this looks.

Now, maybe that sounds like a silly thing to say; but, gentleman, you're in the business in your office—among other parts of the work that we do as Congressmen, we get phone calls from our constituents. Our constituents want us to help them solve problems that they're having with the Federal Government. I'm thinking, if this system gets put in, I'm going to have I don't know how many thousands of people every day on my phone, saying, ''I need this kind of medical care, and I can't get through this system''. They're going to ask me to help them do it. I'm going to say, ''Fat chance. This is a mess.''

Mr. BISHOP of Utah. I think you're absolutely right, and I think that's one of the reasons a lot of people have changed their opinions. A lot of people have grave concerns about this type of a program, a one-size-fits-all, Washington-based program.

I've also had some other people calling me, a lot of people with grave concerns and with a great deal of anger over everything that's going on. There are some who have simply asked, ''Why can't you just sit down and compromise? Why can't you work things out?'' I think I join with you in saying I am more than happy to sit down and work with anybody who will work with me.

The bottom line is we have not been allowed to work together, which is why I was saying earlier to let those other ideas, the other bills, have an up-down vote as well. Bring them to the floor and allow a true debate on all ideas. Don't siphon the ideas down to what is allowable by the leaders of Congress. Allow us to actually work together. As I think you intimated, there are some things, certain provisions, on which both Republicans and Democrats do agree. Let them stand by themselves and see what we can actually accomplish without taking an idea on which we basically all agree and then adding 10 or 15 bad ideas on which we fundamentally disagree and saying, Okay, it's take it or leave it.

Mr. AKIN. Well, you know, I hate to admit how many years I've served in the legislative body. I started by saying I've served in the majority, in the minority and now in the wilderness.

As to most legislation I've seen that works pretty well, surprisingly enough, people are sold on it. There is a process of a bunch of people coming together, defining a problem, working on a solution. Frequently when they start, the bills are pretty rough, are pretty hard to understand, and have a lot of questions and problems in them; but as more and more people have a chance to work on them, to roll their sleeves up and have input in them, the bills get refined.

In the business world, if you want to mess something up, you send it to a committee. In the political world, when committees work on legislation, they tend to refine the product. After a period of time, what happens is you have certain ideas that some people just can't tolerate, and you tend to throw the radical stuff out. What you can agree to comes together. When that happens and particularly when it

happens across party lines, you don't have major fundamental reform, but you change, and you fix things in ways that solve people's problems.

What happened this year is we had 80 less seats than the Democrats, so they thought, We don't need the Republicans. The dickens with the Republicans. We've got such a majority that we can do whatever we want. As they've marched off to totally change all of health care, now they've gotten kind of in a jam because they're realizing the public is not agreeing with it, and they don't have one Republican vote. That's very, very unusual politically that there is not at least one Republican who would vote for a bill.

That says that this has been such a partisan kind of approach, and that's why there is cause to scrap it. It's not that people are going to go back to ground zero in health care, but they're saying this approach right here is just too much.

Mr. BISHOP of Utah. I would be very hesitant to try and ascribe any motives as to why things happened the way they did.

What we do know is, historically, when major changes of policy have taken place, even when they have been hotly debated, even sometimes when cloture has been approached over in the Senate, the final product has had a lot of majority and minority votes coming together.

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It was not this divisive of an issue that was trying to be pushed through in, once again, a very partisan and divisive way.

I think you are right. What Republicans are saying is there are other ideas that still have to be out there, and what is more important for us is to do the system and do the reform the right way the first time. It is very difficult once something is established to go back and fix it. It is best to do it right the first time, and we are not doing that here.

Mr. AKIN. You are right. The thing about legislation, because it affects so many people, it is so expensive and what you sometimes create can never be taken back, it is absolutely crucial that we get this thing right the first time. We would be far better off—I guess it is maybe a little bit like choosing a wife. You want to be sure you choose the right one the first time. It is less expensive that way.

This is something you want to get it right the first time, and if there is doubt, if there are questions, then it says it is probably better to slow up and take a good look at what you are doing.

Now, there are some things about the bill that are being proposed here that are just completely anathema to many, many Americans. I think if you have to say, well, what would some of those things be, I mentioned the special deals. People don't like that.

But if you get to the heart of what is going on in health care, it is that relationship between you when you are sick and your doctor. We call it the doctor-patient relationship. I think that is fundamental to our understanding of what good health care has to start with, and that is that you have got qualified, professional doctors who work with somebody who is ill. The family and the doctor come together and they put together a solution as to what is going to happen and what the doctors can do to help you with your health.

Now, one of the things that gets people very upset, and with good reason, is when somebody butts in to that doctor-patient relationship. One of the examples that we have seen too frequently is that we have allowed insurance companies sometimes to jump into that doctor-patient relationship, and they say, oh, we are not jumping into the doctor-patient relationship; it is just that we are deciding what we will fund and what we won't fund. In other words, the doctor says you need to do X, Y, and Z, and the insurance company says, oh, you don't need to do that. So we don't like it when somebody who is not a medical professional starts to superintend over our health care and we don't have any control of it.

What is even worse is that when the doctor makes a medical mistake, he is going to get sued, but when the insurance company says you don't need to do that and then you up and die and your relatives say, hey, the insurance companies just cost a life, well, it turns out they don't have any medical liability. That is not a good situation.

But it is not the worst situation. Something worse could happen. It is this. This is what is worse. Instead of an insurance company, which, if you want to, if you have to, you can change your insurance company, this is going to put a government bureaucrat between you and your doctor, and that is something that I don't know a single Republican that likes that idea.

We don't think we want government bureaucrats getting between you and your doctor. And how is that going to happen? Well, because the bureaucrats have got their calculators, and as they calculate, they say, how old are you? What are the statistical chances of this? Whoops, you don't get this care.

So the bureaucrats say, we are not going to allow you to get this kind of health care. And the doctor says, no, I understand the statistics, but in this case this particular medical treatment is necessary. And the bureaucrat says, no, you can't get it. That is one of the reasons why in the United Kingdom health care death rates are much higher than they are in America, because of the fact that the bureaucrats say, no, you can't get any care.

Mr. BISHOP of Utah. If I could get the gentleman to yield for just one second.

Mr. AKIN. I do yield to my good friend from Utah.

Mr. BISHOP of Utah. I think it is well to reemphasize that fact that not everyone will get what they want in this particular program. I was told that once again today, the President, in his remarks, said, if you like your plan, you keep your plan; if you like your doctor, you can keep your doctor.

Now, if that line sounds familiar, it is because it was a staple in the rhetoric for all of last year, with a couple of problems. I have been told that media outlets like the Associated Press and ABC News debunked that claim, showing that that cacophony of programs and lines going through, that that simply was not the case. And the White House then said, well, we are not taking that line literally, and eventually it was removed.

It is coming back now, but it still is not accurate. The problem is, if you like what you have, you may not end up keeping what you like. You may end up being told what to do, which is the problem every time when you try and transfer power from individuals back to Washington to tell us what is best for us. We sometimes may not agree. And that is the sad part.

That is the fundamental problem that a few tweaks around the edges can't solve. But that is a significant problem. And I think the gentleman from Missouri hit the nail on the head when he said this is one of those fundamental issues, which is why this program should not be forced through, but you should back up and start again with something that doesn't have that premise of Washington being empowered to tell us how we will live our lives.

There are 8,000 State legislators out there, all of whom are bright, all of whom can come up with programs for their States. Allow the States to be the laboratory of democracy that Louis Brandeis used to talk about. We can do better. We can do better. This is not good enough for us to force through, just so we can say we did something. There is a better approach to it.

I yield back.

Mr. AKIN. I couldn't agree with you more, and I do think that is a fundamental question. And when people talk about compromise, I would picture people on the outside of Congress saying, why can't those people just get together, solve a problem, bury their partisan hatchets and just serve the American public?

Part of the reason why you don't see that is because there are really fundamental differences of opinion on what you do with health care, and one of the very, very big ones is that question: Is it going to be between you and your doctor or is it going to be between you and the Federal Government and some doctor that they choose? And that is a very, very big difference in opinions on health care, and this system forces the Federal Government between you and your doctor, and it is why it doesn't have any support, among other reasons, from Republicans.

There are a couple of other things here we probably ought to talk about,

because when we talk about health care being too expensive, one of the things that really increases the cost of health care has been attorneys, particularly trial attorneys who are going to sue doctors for having done the wrong thing.

Now, there are times when doctors do the wrong thing. There are times when doctors do the wrong thing. They need to fix it and need to pay for some of the damages that their actions caused. But this is more than that. These are these punitive lawsuits with millions of dollar claims. And what does that do? It adds a tremendous cost to the cost of health care. So, one of the ideas, if you want to reduce the cost of health care, is that you want to have what is called tort reform.

We were promised in Baltimore by the President that certainly he believed in tort reform. But as we take a look at the legislation that we have got, one of the things that you find is that the supposed tort reform in this bill, the old Democrat bill, and I believe the President's new bill, although I am not sure this is in there, is the fact that the States that have enacted tort reform, such as my own State of Missouri, the States that have enacted tort reform, they cannot keep that tort reform in place when this medical bill goes in. So it gets rid of tort reform instead of making tort reform.

Now, I said that costs a whole lot of money if you don't have tort reform, or tort reform is a good idea to reduce the cost of health care. In the State of Missouri, it has dropped the cost of health care significantly, I am talking in excess of 10 or so percent, States that have decent tort reform. It reduces the cost of medicine. So, that is a reform that Republicans wanted to do, and it is not included in the bill, which is the tort reform.

I do yield.

Mr. BISHOP of Utah. If I could maybe add to that, because I think you have hit on one of the things I think is essential if we are really going to reform the health care system, because we do have two problems. One is people being covered by insurance, but the second one is the overall cost of the system. If you don't address both of those problems, you haven't really done a good health reform.

Mr. AKIN. The cost of the system, and what is the other?

Mr. BISHOP of Utah. Coverage of individuals, being covered and having the costs overall. Because even if you have insurance, it still is very expensive, and the costs keep going up. So we have to deal with both of them.

A key element, a crucial element that everyone within the medical community will tell you, is if we don't do cost reform dealing with tort issues, if we don't deal with the massive amount of litigation that forces doctors to do more and more procedures just so they are covered just in case someone decides to sue them, we will never actually get a handle on the costs of health care that keep going up.

Once again, the President has said in past speeches he is willing to look at that. But in one of the four proposals he seemed to add as a sweetener to this deal, it was not to actually have malpractice resolutions, but simply to study alternative malpractice resolutions.

Now, that ain't it. A study, we have been doing that for a long time. We know what the problem is.

Mr. AKIN. It seems to me the study has already occurred. Various States have done it, tried it, and it saved a lot of money. What more do we need to study on it?

Mr. BISHOP of Utah. So adding that as something to improve the system doesn't improve the system at all. It is nothing. What we need to do is actually implement those. And you are right. Once again, even my home State, the legislature once again is addressing on a State issue that concept of tort reform and litigation limitations. It is essential, and we need to do that.

That is one of the issues on which I think both parties could easily come together and make a resolution, if we were allowed to discuss real litigation reform. But, once again, that is not on the table. That is not discussable on the floor, if ''discussable'' is a word, which it probably isn't.

Mr. AKIN. Well, but it is something that needs to be dealt with. If we just kind of run through that, I think people can understand. You are a doctor. You have somebody who is ill, and you think, well, I am pretty sure this is what is wrong with them, but it could be five other things, so I am going to run all these tests, some of them are very expensive tests, just in case, no matter what, so if anything goes wrong, anybody gets me in a courtroom, I can say I did absolutely everything that anybody could do, and a whole lot more besides.

Well, of course, that costs a whole lot more money, and they are doing it strictly to cover their tails because they don't want to be sued and have millions and millions of dollars thrown against them and run their cost of insurance up.

Now, if their insurance goes up and up and up, guess how they have to pay for that insurance? By charging the patients more money. So that is how this tort reform can save in various States. We don't have to study it. It saved a whole lot of money in a great number of States.

So those are some things that I think are important. I talked a little bit about reconciliation, the misuse of that process. I had a good quotation here from a prominent Senator. A prominent Senator was looking at reconciliation. That is the process the Democrats are talking about doing. And this prominent Senator, you have got it, it is the President, says, ''Reconciliation is, therefore, the wrong place for policy changes.''

I think the government taking over one-sixth of the U.S. economy would probably qualify as a policy change.

He says, in short, the reconciliation process appears to have lost its proper meaning, a vehicle designed for deficit reduction and fiscal responsibility. This doesn't seem like deficit reduction and fiscal responsibility. It seems like it is a policy change.

We have to agree with the President that this is not the place for reconciliation. And yet, guess what? In spite of the fact that Massachusetts has even voted on this, we are going to jam this bill through, whether you want it or not, using this process, the misuse of this process called reconciliation, which most people have never heard of before, but it is by hook and by crook and not by a legitimate method.

Here it benefits trial attorneys, by failing to enact meaningful lawsuit reform. That is that tort reform. The old Democrat bill does not put it in; the new one does not. The Republican believes, yes, we should have tort reform.

Here is another one. Protects backroom deals with Washington special interests. There have been a lot of special deals in these particular bills. I think the one that I find most offensive was an agreement made with insurance companies that said if an insurance company makes a decision that overrides the doctor-patient relationship—that is, they say, yeah, we recognize the doctor-patient relationship; we are just not going to pay for it—if they do that and something goes wrong, the insurance company cannot be sued. So the doctor gets sued for everything. But if the insurance company that is not a medical authority makes a decision, the decision turns out to be bad, yes, the doctor said your wife should go to the hospital but we said we are not going to cover it, she doesn't really need to go to the hospital, and then she gets really, really sick because she should have been in the hospital, guess what happens? The insurance company has no liability whatsoever. So that is one of the backroom deals that is particularly upsetting.

The other one we talked about puts the government bureaucrats in charge of personal health care decisions. The Democrat bills are doing that. That is why Republicans—this isn't a matter of, hey, can't you just be a little open minded? No, I can't be open minded. I don't want the government involved in health care decisions with my body.

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The Republican proposals don't do that. We're joined—I don't know whether he wants to join us yet or not—by a good friend of mine from Texas. No, he's not quite ready. Will you talk to us in a few minutes? We'd like to have you as part of our discussion. But you're going to do another hour.

Here's one. This is: Breaks President Obama's pledge to not raise taxes on those who make less than $250,000. I recall in the campaign he said, I'm not going to tax anybody who makes less than $250,000. And I thought, Man, am I

glad about that, because I don't make $250,000. I'm going to skate free for 5 years. No taxes. It's not going to be a big deal.

Well, the trouble was the House passed a bill not so long ago that was going to get you. If you flipped the light switch, you were going to get taxed. That doesn't have anything to do with $250,000. This bill is going to tax a whole lot of people making less than $250,000. Yes, it does. And the old Democrat bill, the President's new bill, yes, it is taxing people under $250,000 very heavily. In fact, it mandates that you have to buy a government product, which is unconstitutional. The Republican bill doesn't do that.

My good friend from Utah.

Mr. BISHOP of Utah. If I could add just one element to that concept of $250,000, because I agree with you, if $250,000 was a salaried employee, that's pretty good money. The only problem is, in all of these equations it applies to the business world as well, in which almost every small businessman is grossing at least $250,000. I know in my district—once again, I said Utah has more small businesses on average than most States do. And in my district, almost 98 percent of those, according to the IRS, will have a bottom line that's above $250,000. So it means the taxes that are imposed are also imposed to the business community. It's one of the reasons why the State of Utah, when they looked at a reform for health care in the State of Utah, tried to come up with a policy that would give a consistent number to small business so they knew how to plan for what the health care cost would be and can come up with a defined contribution level they could give their employees, who could then go to the exchange and buy something that fits into what they need. But that consistency is extremely important.

It's very difficult for small business to provide health care for their employees when they don't know what the escalating and skyrocketing, almost roller coaster costs, will be to them. They cannot plan for that so they basically don't do it at all. And if indeed we add a tax to them at this stage of the game, that means we are making it even harder for the business community to recover, to provide jobs, to grow our economy, and to get people working again. That's why when we say this thing hurts job performance, that's why it hurts job performance. It can be devastating to job creation.

Mr. AKIN. I really appreciate your highlighting this question of unemployment because I really think that a whole lot of Americans would think we were more effective and that they would have more respect for Congress if we were dealing with the fact that we've got a 10-plus percent unemployment rate out there. And in fact that number is probably conservative because of the fact that if you haven't had a job in a year, you're no longer part of the statistic. So as people get more and more discouraged, don't get a job, they fall off those numbers, and we still have a 10 percent unemployment rate.

So I think a lot of the public would say, Hey, why don't you guys pay attention to unemployment. Well, here's a way to pay attention to unemployment. We've got a bill here that, on the face of it, economists have rated it's going to cost 5 million jobs. Why in the world would this proposal cost 5 million jobs? Well, you just hit it. But do it again, gentleman, so people can make that connection.

You have got to understand, this is going to increase unemployment in America. Is that what the public wants, more unemployment? I don't think so. But please run through that again. You're a small businessman and this bill passes, and what does that mean?

Mr. BISHOP of Utah. That means there will be an extended cost of doing business associated with this particular plan. Even though when we say anyone making over $250,000 will not be taxed, it will be taxed. Once again, if that was simply a salaried employee—a salaried employee—that sounds pretty good. But that covers almost all the businesses we have who are small in this country, and large as well.

Once again, it does go to the point we tried to make a little bit earlier. The Shadegg bill, the Price bill, the other Republicans' bills that should have been allowed to be debated, they don't have any of those provisions. So that negative anti-job aspect that is definitely a part of this bill if it's pushed through does not necessarily have to be there if you simply allowed the other ideas to be debated, discussed openly here on the floor.

Mr. AKIN. Right. So we don't have to create unemployment and deal with health care. It's just that this approach is going to create unemployment. Now let's take a look at how that works. There's a number of ways that unemployment is going to be driven. The first is you're going to tax the guy that owns the business. When you tax somebody that owns a business, it means he's got to give money to Washington, D.C. That means he can't take that same money and put it back in his business to add a wing to the business, to buy a new machine tool to create a new process to create more jobs, because instead of taking the money to build the small business, you're taking it to give to the government to run health care. So when you take money away from the owner of a small business, you're going to kill the job creation process.

What else does it do? Well, it creates a lot of redtape for business owners. And when you create redtape, that also makes it so that it's harder for them to be efficient and competitive. And so that tends to hurt job creation. You also, because this bill has been sitting around and been hanging, scaring everybody to death for three quarters of a year, it creates a sense of tension and a restlessness, so that business owners are saying, I don't know what the business climate is going to look like in 6 months. I don't dare take a risk because I see threats on the horizon to the financial stability of my company.

Mr. BISHOP of Utah. The gentleman from Missouri also has those last two points on your chart, which reemphasizes the very statements that you were just making.

Mr. AKIN. It forces individuals to purchase government-approved health insurance. Let's talk about that for a minute. Yeah, the old Democrat plan forced you, it forces everybody in America to buy something. And the President's new version forces you to buy something. The Republican does not force you to. And aside from the fact that Americans don't like to be told that you have to buy something, there's a small detail: It's not constitutional. When can the government tell you that you have to go out and buy a gun or you have to go buy a watermelon or something? That's not constitutional for the government to tell you you have to buy something. Yet, that's what's going on here.

Mr. BISHOP of Utah. At times we have talked in the past about this concept of constitutionality in two ways. One, that it violates the concepts of federalism. But the second one deals with specifically the commerce clause. I think that's been brought to our attention before. That even in court cases, and maybe somebody will correct me here when it's his turn, in court cases there are usually two principles that are involved on whether the commerce clause is justifiably used. One: Does it have an impact on interstate commerce? I think everybody admits this would have an impact on interstate commerce. But the second is: Is there a willing participant in this program? This is why this is different, because for the first time you are threatening to fine people, throw them in jail, for not doing anything. For doing nothing. I don't know how many negatives I put in those sentences. But for someone just living their life who does not want to participate, they will now be fined for doing that. The government has never done that. And that is what I think exacerbates and expands the commerce clause beyond recognition and beyond fairness to individuals at the same time.

Mr. AKIN. Well, I think we have had a chance to take a look tonight at what I started out by saying that we are standing as Americans on the edge of an abyss. I recall standing on the rim of the Grand Canyon and seeing a thousand feet of open space in front of me. And in a sense, that's where we stand today, with America perhaps politically poised to push forward using a misuse of a process to force this government takeover of health care down the throats of many, many Americans who do not want to see this take place.

This is a very serious moment in American history. I can recall historically there's been other very, very serious moments in American history. The Pilgrims standing on the frozen shore of Plymouth with the dream of creating a new kind of civilization; our President-to-be, President George Washington, on his knees at Valley Forge, praying for his little army. And even old skeptic Ben Franklin at the Constitutional Convention asking for prayer each day.

In all of these cases, Americans discovered that in their hour of need they turned to God for his help and his guidance. I believe as we stand on the abyss tonight, for those Americans who are wont to turn to God for answers, that this is a time to be doing that. To ask for his help supernaturally so that we don't make this fatal step pushing our Nation into socialized medicine, creating a precedent for our citizens to be continually handcuffed to a government health care in a system which no politician that's freely elected could ever reverse because the public would say, You're going to take my government health care away. I won't elect you. That's been the experience of other countries. It completely changes the nature of the freedom and the nature of the quality of health care in America if we'd fall off this abyss. And it's time for some prayers.

God bless you all. Thank you. And good night.

HEALTH CARE IN AMERICA

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

Mr. GOHMERT. It is a privilege to be on the floor any time when you know the history of this place and what all is going on before us. I'm so grateful for my friend from Missouri, my friend from Utah pointing out such important things about the health care debate that is ongoing. It is critical. We're talking about the lives of Americans. This is not something that should be considered lightly or done too quickly.

It is incredibly ironic to realize here we are now into March of 2010, and beginning back over a year ago we were told there is no time to waste. We do not have time for Republicans to have any input. We don't really want to hear from Americans. This is too important, we were told, to delay. We have got to have this done by May. Well, even though the Democrats have plenty of votes to more than pass this bill, they didn't get it done by May. They could have done it without any votes from Republicans, yet it was the Democrats themselves that were not able to pass this bill, and the reason is there were Democrats who were also concerned about what was in this bill, just as many of them are still very concerned that what's in the bill is not appropriate and not good for the people in their districts or their States. So here we are.

Then we heard, Well, we need to get this done by July 4th. Then we heard we need to get it done by the August recess. Then, we need to get it done before Halloween. Well, then we need to get it done by Thanksgiving. Each time, the need to pass it immediately was given as a reason that there just wasn't time to incorporate any Republican ideas.

The trouble is, these were not Republican ideas. These are ideas that come from some of the smartest people in the country; that come from doctors, that come from economists, people that have worked through these issues, and yet still the effort has been made to ask America—not ask, but demand America stick out your tongue and say ''ah'' while we cram this down your throat.

It needs to be looked at even more closely. And there is a technique that's been known in debate world as creating a straw dog. You create the straw dog and say that's what your opponent believes and is trying to do. You get righteously indignant, and you beat up the straw dog, showing how you tore your opponent up because your opponent had this ridiculous idea. The problem was, in that debate device it's simply not accurate because that is not what the opponent was saying.

In this case, I don't really see us as having opponents. We are out here trying to do what is best for America, and yet most of America, through their representatives, have not had a chance to be heard. That includes many represented by Democrats.

We are joined by my friend from Utah. And I would be glad to yield such time as Mr. BISHOP might use.

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Mr. BISHOP of Utah. I appreciate the gentleman from Texas not only for his insights he is going to present on this particular bill, but you have a special talent that I think the gentleman from Missouri and I did not have a little bit earlier in this with a legal background. First of all, I appreciate you bringing up the fact that there is bipartisanship in their concern for this particular bill.

Mr. GOHMERT. Sure.

Mr. BISHOP of Utah. I also appreciate the fact that sometimes we present arguments and I need to have a specific legal expert explaining them to me.

We talked a little bit earlier about the fact that apparently in his speech today, the President once again said, If you like your plan you can keep your plan. If you like your doctor you can keep your doctor. That if you are on an insurance company right now and you are happy with that, it will not change. And maybe I can ask you now as an attorney, as someone who reads this stuff for a living and tries to understand the gobbledygook that we always pass, if you can tell me if that is really accurate. Is it indeed the fact that if you like your plan you will be able to stay on that plan? And insurers who have private insurance plans will be able to maintain that commitment to people if either the Senate or the House version were to pass?

Mr. GOHMERT. The answer is that yes, you can keep your plan if you like it for maybe a year, then you lose it. Maybe 2 if you are lucky. On the other part, if you like your doctor—and the gentleman from Utah has quoted it exactly. I have the text of the President's speech here. He said, ''If you like your plan you can keep your plan. If you like your doctor you can keep your doctor.'' The thing is nobody, not even my dear friends here on the floor with me, can promise you that if you like your doctor you get to keep your doctor. I will give you one good reason why.

I have talked to numerous doctors that are my age and older who have told me, many of them, that I have not accumulated what I had hoped to by this time. But they are very sincere, and they say, But it has gotten so frustrating dealing with the government over Medicare and Medicaid, and even dealing with insurance companies, they've had enough. And I have been told, I am sure my friends have been, too, that if this bill passes they are walking away from the practice of medicine. They are walking away. It will not be worth it. I have heard that from so many people.

So for somebody to say if we pass this bill, and I don't care who it is, any Democrat or any Republican that were to say if we pass this bill and you like your doctor you can keep him, it is wrong. You can't make that promise because many of the doctors you like the best have already said we are walking away.

Mr. BISHOP of Utah. If I can add a follow-up question to that, in the law that is proposed to be passed, either the House or the Senate version, does it allow me to maintain my insurance in the present form if I want to maintain that insurance in the present form?

Mr. GOHMERT. One of the things I love about being on the same committee with the gentleman from Utah is he may not be a lawyer, but he has incredible insight and discernment and can shoot right to the crux of an issue. So when we do that, as the gentleman has asked, and we look at page 91 of the House bill, and I have asked others, look at the 11-page summary the President proposed and then look at the 19-page summary of the summary that the White House gave to us, both the 11-page summary and the White House 19-page summary of the summary, and see if you can tell if one single letter of the law under section 202 of the House bill is changed.

I have been told by attorneys that have looked at it, it does not appear the President is proposing any change to page 91 of the House bill. So when you look for the answer, Do you keep

your insurance?, well, you look to the language. And the language is this:

''Section 202, Protecting the Choice to Keep Current Coverage.

''(a) Grandfathered Health Insurance Coverage Defined. Grandfathered health insurance coverage means individual health insurance coverage that is offered and in force and effect before the first day of Y1 if the following conditions are met.'' And Y1 is just the day that the new bill starts.

''Number one, Limitation on New Enrollment.'' In order to keep your insurance if you like it, number one, and I quote, ''The individual health insurance issuer offering such coverage does not enroll any individual in such coverage if the first effective date of coverage is on or after the first day of Y1.'' So if you add a single additional insured to the policy that you have—you are on a company policy, or if you are like a couple of guys that told me recently that their unions negotiated a fantastic health care plan, they love it, they are not worried about the rest of the country because they get to keep their plan. Unfortunately, as I asked, Does anybody ever get added to your health care policy?

And they said, Well, yeah, people retire all the time and they get in there and we all have the same great policy.

I had to explain, Bad news. As soon as they add one more person on your health care policy, you lose your policy. And then that throws you over under the Federal insurance exchange program that the government controls.

There will be private insurance companies that will be allowed initially, until they go broke, they will be allowed to offer policies, but they are mandated exactly what they have to provide in those policies.

But here is the real kicker, the second limitation on changes in terms or conditions. The second condition about keeping your policy is this, and I quote, ''The issuer does not change any of its terms or conditions, including benefits and cost sharing.'' Now, that is why I replied to the gentleman earlier, the answer is you might get to keep your insurance policy for a year, 2 years if you're lucky. But there is no way that you could have an insurance policy go for more than a couple of years without having to make some changes in their terms and conditions.

For one thing, we know that health care, with medicine, knowledge, and practice changes all the time. We find out that some types of procedures are more dangerous than we knew. And so a policy said we will no longer cover that because the benefits do not outweigh the risks that are involved. Another thing is you have new technology, sometimes less expensive ways to treat something. Well, obviously you want those included in your coverage. They would be added. That changes a term or condition. So within 1 year or 2 years everybody in the country that liked their policy, just as the President promised, get to keep it for about a year or 2, and then they lost it.

So when the President says you get to keep it, that is accurate. He just doesn't tell you you won't keep it very long.

I would be glad to yield to my friend from Missouri (Mr. AKIN).

Mr. AKIN. I just appreciate your discipline, and having worked through specifically and exactly what the bill says. Because it is easy to say that this bill isn't going to cost a dime because somebody can say it isn't going to cost a dime. Well, that is because it is going to cost a trillion dollars instead. And you are clarifying the importance of words here.

But let me ask you this question: Is it true that the policy defines what insurance has to cover? And therefore, does the Federal Government tell you that you have to have this, this, and this in your policy, and therefore force the policy to be changed even if you didn't want to change it?

Mr. GOHMERT. The gentleman asks a good question. I appreciate the question, because once again, that affords great insight. If you look over at page 167 of the bill that was passed in the House, and as best I can tell, even though all we have is the 11-page summary and then the 19-page summary of the summary——

Mr. AKIN. The summary of the summary is longer than the summary of the bill.

Mr. GOHMERT. The gentleman is correct.

Mr. AKIN. So if we had the summary of the summary of the summary, would that be 3,000 pages?

Mr. GOHMERT. Absolutely. We would have even more information. And that would be more helpful. But the best we can tell, since the President did not propose a specific bill, once again very elusive in what is being proposed, page 167 does not appear to have been changed. And that says the commissioner shall specify—that is the Federal commissioner under this bill—the benefits to be made available under the Exchange-participating health benefits plans.

Now, that means every plan that has had a term or condition change or has added an additional insured, those have been lost, and then within a couple of years everybody is under this. So the commissioner shall, one of about 3,000 or so ''shalls'' in the bill, specify benefits to be made available. And then it goes on and says the entity offers only one basic plan for such service. So the commissioner is going to require that everybody provide exactly the same plan.

Mr. AKIN. So this is a one-size-fits-all.

Mr. GOHMERT. One-size-fits-all for the area.

Mr. AKIN. Then using your logic, the one-size-fits-all then has to change existing policies. And when you change those policies, then you don't have the same policy that you were promised you could keep.

Am I getting the drift of this right?

Mr. GOHMERT. The gentleman is exactly correct.

If you go on further, everybody that is offering insurance in an area has to offer the same exact basic plan. It is a basic plan. And then if an insurance company provides that one basic plan, they may offer one enhanced plan. But again, the commissioner specifies exactly what that plan is. And if you offer an enhanced plan, you may also have one premium plan for such area.

But the bottom line is there will be many areas in the country, once everybody loses their own health insurance within a couple of years, everybody goes under this plan, the commissioner tells everybody what has to be in their plan. Everybody. And you have no choice, you have to go with what they said. And so the other thing is that once an insurance company provides that, they have no flexibility.

Now there is debate about whether or not there would be a public option or a publicly financed insurance company to compete. We know how that works. We saw it with flood insurance. When the Federal Government comes in and provides that alternative, that competition, you run the private insurance companies out of business because the Federal Government operates in the red, run the private businesses out, and then the Federal Government does as our Federal flood insurance program has, continue to run deeper and deeper into red ink.

Mr. AKIN. So you have got one choice. It is a little bit like Henry Ford's automobile. You can get any color you want as long as it's black. In this case, you can get any health insurance you want as long as it's the government policy.

Mr. GOHMERT. The gentleman is correct.

And one of the great ironies in this is we have so many friends across the aisle that I know are very sincere when they believe with all their hearts they want to help what they call the little guy in America. I am sure they haven't read this bill as thoroughly as I have. But if they will trouble themselves to do so, they will see that under the bill that passed the House that we just had to rush through, if you make just above the poverty line as determined in the bill so you don't get free health insurance, but you don't make enough to buy the policy that the Federal Government mandates, you pay an extra percentage, I believe it is 2 percent on your income tax. We are talking about low middle class, some of those folks working two and three jobs just to keep food on the table.

And what is the majority going to do to them? Why, if you can't afford as good a plan as we order you to get, we're going to increase your income tax.

□ 2030

You can't afford insurance, and yet you're going to increase the income

tax? I just know that there are people that care deeply about the poor, those who are the working poor, doing what they can to struggle to get by. And yet they're going to hammer those very people. It's just ludicrous.

Mr. AKIN. So what you are really talking about is a mandate, isn't it? This is a mandate that says that you've got to buy the government product.

Mr. GOHMERT. That's exactly right. And I know the President before us mentioned—well, you know, States require you to buy car insurance. The fact is, you buy insurance for the privilege, as the law has determined, to drive on the road. You don't have to drive just to live in America. If this bill passes, you will have to buy insurance just to live in America, or you will be fined; you will be hammered with the extra amount of money you will have to pay.

And let me finish one other thing about that insurance. There is no State in the United States of America that requires anyone to insure their car for damages to their own car or damages physically to themselves. The only requirement in any State is for insurance to cover against the damage you may do to someone else. So once again, this will be breaking brand-new ground, never done in history, not envisioned by the Constitution, not anywhere in the enumerated powers. You have to buy insurance on yourself just to live. So I yield to my friend.

Mr. AKIN. Well, actually, you got to the point that I was going to ask. I know that you are not only an attorney, but you have also served as a judge, as well as a Congressman that we've come to respect. And so what I was going to ask is, is it constitutional for the Federal Government to tell somebody that they have to buy insurance this way? And what I'm thinking I'm hearing you say is that this would be something, if the Supreme Court would look at it—and I know you don't know exactly how they think or what they're going to rule, but if you use the basis of the Constitution, this would be marginally and maybe not constitutional. Is that what I'm hearing you saying?

Mr. GOHMERT. If the Supreme Court takes a fair and literal look at the Constitution, they will know this was not an enumerated power reserved to the Federal Government. Therefore, under the 10th Amendment, it's reserved to the States and the people.

I would like to point out one other thing. In this article that was already out, that came out so quickly after the President's speech today—it's from CNN. It can be found on the CNN Web site. But they point out that the President is proposing four different things. First of all, combating waste, fraud and abuse, and I will come back to that. But this article says: ''Obama is also considering a Republican-supported idea to appropriate $50 million to help States find alternative resolutions to medical malpractice disputes, including health costs.''

Well, when this information came out today during the President's speech, I was in a meeting with about 50 other Republican Members of Congress, and I couldn't believe that statement. He said this was a Republican idea, and he said, You know, we're embracing this Republican idea.

I want to know which one of my moronic Republican friends proposed such a ridiculous program as that. Nobody knew of any Republican who proposed that. I know the President wouldn't lie, but I'm sure there is a Republican somewhere in the country—maybe somebody that deems themselves half socialist, half Republican that proposed this. I can't find anybody who knows of a Member in Congress who has proposed this bill because we don't need to give the Secretary of Health and Human Services $50 million, $50 billion or one red dime to come up with a way to help States find alternative resolutions for medical malpractice disputes. That's already in the House bill, and what this provides is a fund for the Secretary of Health and Human Services to bribe States—that's my word. Any State that has a cap on attorneys' fees or a cap on noneconomic damages, the Secretary is authorized to pay whatever sums are necessary, in her opinion, basically to reward a State that gets rid of any caps like that. That's what it boils down to.

Mr. AKIN. That's the punitive damages, right?

Mr. GOHMERT. No. Actually, pain and suffering is noneconomic damages. So attorneys' fees and things like pain and suffering, which is hard to put a figure on.

Mr. AKIN. So we have got not tort reform but reverse tort reform, where the States that have enacted tort reform and have reduced the cost of health care accordingly are now going to be told that they're going to have to reverse that legislation so there is a tort reform. Isn't this the reverse?

Mr. GOHMERT. Well, the gentleman is accurate. It is the reverse, but the States are not going to be told, You have to get rid of your caps. We have already seen in Texas and California medical malpractice insurance rates come plummeting down.

Mr. AKIN. Missouri has enacted the same thing. We've had the same experience. It's dropped the cost of health care.

Mr. GOHMERT. I'm sure the gentleman then would agree there is no need for further study or to try to look for ways to have alternative resolutions to medical malpractice disputes. We've seen what works, and yet it's not going to force States to get rid of their caps on pain and suffering or attorneys' fees. It merely will allow the Secretary of Health and Human Services to generously reward any State that will get rid of their caps on damages and attorneys' fees.

Let me also mention this, that is only one of the proposals. Another is that health care exchange plans are what is being proposed in this supposedly cut-down bill. The health care exchange plan is the skeletal structure that allows the government to take over health care. So to say it's scaled back, you know, the snake is still in there. It's just going to have to go a little further to bite you. So this is not a good proposal. It's not a fair proposal.

And one other thing in the President's speech that I thought was very unfair, he says, On the other end of the spectrum, there are those—and this includes most Republicans in Congress. Now I prefer to speak for myself and not have somebody who profoundly disagrees with me tell me what I believe. But according to this, the President's speech, this includes most Republicans in Congress who believe the answer is to loosen regulations on the insurance industry.

The gentleman from Missouri and I have been on this floor many times, and in the last 5 years—particularly that I've been here, I know the gentleman's been here longer than I have—but repeatedly I know we have all said, I don't want the government between me and my doctor, and I want the insurance company restricted so they're not between me and my doctor. I don't want the insurance company to just run amok and run wild. I want us to get back to a doctor-patient relationship.

So when somebody speaks for us and in the next paragraph, the President says, I don't believe—as opposed to the crazy Republicans he mentioned in paragraph four—I don't believe we should give government bureaucrats or insurance company bureaucrats more control over health care in America, we've been saying that same thing for years. We agree on that. We don't want the government, we don't want insurance companies to have more control over our health than we do. It's time to put the patients back in charge.

Mr. AKIN. Didn't you start by saying that there is this sort of fallacious line of reasoning where you create a straw horse; is that correct?

Mr. GOHMERT. Yeah, I called it a straw dog. A straw horse, I have heard that used as well.

Mr. AKIN. A straw dog or a straw horse. And you say that your opponents think this, and then you beat it up. Yet you and I have been here. I have been a Republican now—this is my 10th year. I have never heard Republicans say, We want to reduce or relax what health insurance companies are doing. We've been railing on the fact that we don't want them to get somebody who is not a medical person between a doctor and a patient. We've been trying to defend that point, and certainly we wouldn't do what this bill does, which allows an insurance company to get between a doctor and a patient, make a medical decision in practice and then not be held accountable for that decision.

I don't know where the President comes up with this idea or who it is who writes the speeches for him, but it just isn't really true.

Mr. GOHMERT. Well, I would direct your attention to the Declaration of Health Care Independence. I know my friend Mr. AKIN was there when we unveiled that declaration here in the Capitol when I think we've got 100 or more Members of Congress that have signed on to that. There are thousands and thousands of people across the country that have gone online and looked for a Declaration of Health Care Independence and found Web sites where they could sign on so that people could keep building the pressure.

So the truth is, I'm very gratified by some of the comments the President made here because, once again, he is embracing many of the things that we have had in this Declaration of Health Care Independence for some time. And the wonderful thing about these 10 points that we asked people to pledge who signed this is that the President has already said that he supports these things. I would just like to run through these 10 again.

Number one, protect the vital doctor-patient relationship. As the President should know, we have signed a pledge to that effect. That's what we want. So we're gratified to see him include it in his speech today, but we've been there. We were hoping we could get him to sign it before now to join with us to show that we are of one accord. I yield to my friend.

Mr. AKIN. But the problem is, it's one thing with lip service to say that you like the doctor-patient relationship. It's another thing to try to substitute a bureaucrat in between that relationship. And that's what we've been objecting to all the way along.

Mr. GOHMERT. Well, and I heard the brilliant gentleman Frank Luntz at a focus group that analyzed the summit. Fifteen of the people in there had voted for President Obama, 15 of them had voted for JOHN MCCAIN, and it was interesting to hear some of the observations. I loved what one gentleman said. He didn't sound like a lawyer. He just sounded like a good commonsense person. He said, I just know that I have never been in a government office in line to get some service and seen a government employee come running out and say, Let me open another window. This line is too long. But he said, You know, we've seen that in private businesses because if you make somebody wait in the line too long, they'll go to the next business and not stay in your business. And his point was, he did not want those people who would not come around and open an extra window to be the ones that are in charge of his health care. I thought it was a beautiful point.

Mr. AKIN. It paints a vivid picture. And as much as you and I have always railed against insurance companies making health care decisions, that's not quite so bad, because if you don't like the insurance company, you can change to a different insurance company. You might have to change your job to do it. But you can change your insurance company. It's not so easy to change the U.S. Federal Government.

Mr. GOHMERT. Well, we sure know about that, don't we.

Number two on the list of pledges is, Reject any addition to the crushing national debt heaped upon all Americans. And I know there's been—in the summit there are all these wonderful, glowing things that were said about the Congressional Budget Office, CBO. Everybody talks about the CBO scoring. Well, the CBO scoring says this. CBO scoring is sacrosanct, and I know people have paid great tribute to it. But I still remember last year when the President was not happy with CBO and called the Director over to the White House. There was a little woodshedding that apparently went on. We were not allowed to see that on C–SPAN. That would have been a real interesting conversation.

Mr. AKIN. I bet you a lot of people would have wanted to tune in on that.

Mr. GOHMERT. I sure would have tuned in to watch that. But of course if it had been on C–SPAN, the content of the conversation may have been a whole lot different. But we do know what has occurred in this Congress since last year. Now, it bugs me to no end to continue to hear, as I did—and I heard a friend from across the aisle say in just a ridiculous misrepresentation that the Republicans—again, they don't have any plans. They don't want any changes. That is absolutely ridiculous.

In our Republican Study Committee—the more conservative of the Republican Members of Congress is generally the way it's touted. There are Republicans that aren't conservative that aren't part of the RSC. But we have just a summary of 70 bills to help reform health care, not to give more control to the insurance companies, not to give more control to government, but to help reform health care so that it's patient controlled, and it's affordable, accessible, all of these things.

□ 2045

These are real bills. They have numbers on them. Let me just share with you, I had addressed I guess probably around November the fact that I had been trying to get my health care bill scored since August. I realize who is in the majority and with that comes lots of privilege. We sure know about that. It is hard to get a meeting room, the kind we used to have, and the kind we used to provide to the other side, just to have a meeting. But we do with what they allow us to have. But we can meet outside. That doesn't stop us from doing what we need to do.

But when it comes to CBO, I appreciated getting a call from the Director of CBO and I appreciated all of the glowing things that were said about the wonderful bipartisan gentleman he is, but the trouble is you have to look at what has been produced since that woodshedding at the White House. I really do believe he wants to be fair, and I really believe he thinks he is fair. But when it comes to health care bills, there have been 50 bills that have been formally scored that are Democrat-requested scores for their bills, and there have been six Republican bills formally scored. We have been able to get about one-tenth of the bills scored that the Democrats have. I have been trying since August. I made the request in writing of CBO back in August.

Then eventually I am told, well, you don't have the highest ranking Republican on the committee of jurisdiction requesting it. So I talked to JOE BARTON, our highest ranking member of the Energy and Commerce Committee where Chairman WAXMAN rammed this thing through the committee. He sent a letter requesting that CBO score my bill. We waited awhile. Okay, do you have it in the works? Is it coming? Then we were told you don't have a request from the highest ranking Republican on the Joint Tax Committee. So I asked DAVE CAMP, a wonderful colleague. DAVE said absolutely. He shoots a letter over to CBO and says score GOHMERT's bill. That was back in September. And since then, on a spur of the moment, it could be a Democratic Senator or the Speaker or Chairman WAXMAN or somebody down here, man, they request one, they won't even have a full bill, and until just last week when they were given an 11-page summary and 19-page summary of the summary, thank God CBO finally did the appropriate thing and said that we can't score a summary and a summary of a summary. We don't have enough to work with to give you a score. Thank goodness they finally said that, because they have sure scored some stuff that wasn't appropriate to be scored.

Mr. AKIN. And yet they have still not scored your bill that has been sitting there since last summer.

Mr. GOHMERT. And they have still not scored my bill. I would go ahead and point out that it is not just in health care that CBO has scored 50 Democratic bills and six Republican bills, which does not include mine, despite the efforts and the requests from the highest ranking Republicans. From the legislation that has formally been scored by CBO in the 111th Congress, there have been a total of 530 bills scored; 442 of those were Democratic bills and 88 were Republican bills.

So I appreciate very much the Director of CBO, Mr. Elmendorf. He sounds very sincere that he is doing everything that he can to be fair and objective. But you as the CBO Director, knowing that you really probably would rather not be woodshedded again at the White House and knowing that if you do not allow any of these wonderful Republican ideas to be scored, you can profoundly change the discussion on health care in America. You can

prevent some of the best ideas in America on health care that didn't just come from the people whose names are on the bill. The ideas on my health care bill, they came from brilliant people from around the country who have dealt with the issue. I appreciate Newt Gingrich sending friends of his over, some of the brightest minds on health care helping come up with some of the best proposals. I appreciated Newt's help and those he sent over. And now you get a score and see what you've got. I appreciated his direction. I can't get a score because the so-called fair and objective CBO wants to score 50 Democratic bills, six Republican bills, and one of those will not be mine. It could make a difference.

Now I realize, and I have waited a long time to get loud and vocal about the ignoring that Republicans have had from CBO because I know by making such a big deal about their lack of objectiveness in the number of Republican bills scored by CBO that I am inviting CBO to come in, and there are so many variables in any bill, Democrat or Republican, where they can take a presumption and that presumption can just run the cost right through the roof or run it right down through the floor, and that is all dependent upon the presumptions that they make. So I realize by coming forward there is a good chance that if one day a rather angry and upset CBO finally gets around to scoring my bill, they are probably going to fix my wagon. I understand that. I understand that the presumptions might not be what they should be in order to give the bill a proper scoring to my way of thinking, but I just felt like we had to say something to point out that the emperor doesn't have the beautiful set of clothes that everyone is going around saying he has. There is a lack of objectivity certainly in the bills that are being scored.

Mr. AKIN. That makes it awfully awkward, because let's say that some of these bills were scored. You know this well, some of these bills would save a lot of money. And somebody is going to ask: We have a President who wants to spend a trillion dollars at the cost of $5 million in jobs to pass a government takeover of health care, and the Republicans have a plan that is actually going to cut the cost of health care, doesn't have tax increases in it, why not take the less expensive plan? Somebody is going to ask that question. But it is a lot easier if the Republican bills have not had a chance to be scored.

Interestingly, there is a guy who is scoring the President's bill who is not CBO, and he is a Democrat. I don't know if you have heard of him, but he is the Democratic Governor of Tennessee. Why would he say anything bad about the Democrats' health care bill, the President's health care bill? The reason is because, guess what, Tennessee is going to have to pay for this government takeover of health care. That trillion dollar price tag that CBO hooked on this bill is not all the cost because some of it is hidden. And guess who is going to pick up some of the pieces of that, it is going to be the various States, and the various States like Tennessee that have tried this government-run scheme of health care. They know it is a disaster. It wrecked health care in Tennessee and Massachusetts. It ran the cost of health care in Tennessee and Massachusetts way up. So that Democrat Governor, who also could be taken to the woodshed, says no, this is a bad idea. This is going to be very expensive, and States have balanced budgets, how are we going to pay for this thing.

So there is somebody that is scoring the bill and it is not CBO; it is a Democrat. And he is saying no, it is too expensive.

Mr. GOHMERT. I appreciate that observation from my friend from Missouri. I would like to finish the declarations, the pledges that he and I have both made.

Number 3 is improve, rather than diminish, the quality of care that Americans enjoy.

Now, we have heard so many horror stories, terrible situations where someone did not get proper health care. And nobody wants to see that happen. But despite the problems, most of us here contend that we have the best health care available of anywhere in the world. It is right here in America. We saw a good example of that after years and years of hearing some friends say we need to have a health care system like Canada. We need to have a health care system like England. Well, you start hearing stories like the secretary in Tyler. She told me she immigrated from England. She said her mother had cancer in England. And what happens in that scenario, you are put on a list. You are put on a list to get a mammogram, to have surgery, a biopsy, to get radiation or chemo. Whatever you are going to get, you are put on a list. She said my mother died from cancer not because it was not curable, but because she lived in England.

She said I was found to have cancer. I didn't have to wait on some list to get it taken care of. She said I know I'm alive because I moved to America and didn't stay in England, which brings me to an article in February. This was from the National Post, ''Newfoundland Premier Danny Williams will undergo heart surgery later this week in the United States. Mr. Williams, 59, has said nothing of his health in the media. The Premier's press secretary confirmed the report Monday evening. Deputy Premier Kathy Dunderdale confirmed the treatment at a news conference Tuesday, but would not reveal the location of the operation or how it will be paid for. Ms. Dunderdale will become acting Premier while Williams is away. He is expected to be away from 4 to 6 weeks. For many, the Premier's need for heart surgery comes as a surprise, especially in light of the fact that he is an avid hockey player and has shown no outward signs of illness as of late. On Friday, Mr. Williams met with Prime Minister Stephen Harper and while speaking to reporters seemed healthy and in good spirits. A decision to leave Canada for the surgery, especially if it is available here, raises questions about the Premier's confidence in Newfoundland's health care system.''

So you have a Premier from Canada, his health care is important to him. He wants to keep being the Premier, and so he comes to the United States, or already has. As I understand it, he already has had the surgery here in the United States. We have the best health care that has ever been anywhere in the world in time or in geography. It's here.

Mr. AKIN. You are making a point here, my friend. I don't know if you knew that you left off to preaching and went on to meddling, because when you talk about cancer, I am a cancer survivor myself.

If you take a look at cancer survival rates in England, you find they tend to be about 20 percent worse than they are in America. Why is that? Well, you have explained it very accurately, and that is cancer is particularly sensitive. When you diagnose it, you want to get to it quickly before it spreads or gets too bad. The idea of putting someone on a long waiting list is deadly when you are dealing with cancer.

So if you have cancer, you have a much, much higher percent of dying from that if you are in Canada or particularly in England, and it is because of the waiting list. Governments have a little bit of sensitivity to them. Instead of telling you that they are going to deny your health care, they say no, you have to get in line. You can get a free Cesarian section; you just have to wait 12 months. But I needed it in 9. Well, that is a problem, isn't it.

So what you are talking about is a sensitive subject to me because I had cancer in this country. When they discovered it, I thought it was time to take care of it right away and so did the doctor and so did the hospital. I had it on spring break. I had an operation to try to get rid of the cancer back 9 years ago, my very first spring break down here.

□ 2100

But in America, when you get cancer, something the doctor says is, it's time to move, let's go. That's why we have such better survival rates, and that's why the guy from Canada wants to come here to get health care.

Mr. GOHMERT. Well, and it is so important that people understand that. To say that no one will be denied care or coverage is accurate to a point, but the fact is they're told in Canada and England, gee, we're not going to deny you treatment or care, we just have to put you on this list.

The gentleman brings up an important point about how much greater the

survivability rates are in the United States from diseases like cancer, but some want to try to compare apples and onions and say they both taste and smell alike when they're not at all the same. The fact is, when you hear some people say, well, in this country—England, Canada, you know, these other countries—they apparently have much better health care, even though they have government-run health care, because people have a longer average life span. Well, that's not exactly fair to put that on the health care in the country because it's sad, but true, when you make those comparisons, we have a much higher murder rate in America than they do in England or Canada. Those numbers go into the statistics.

Another involves what was explained by a health care expert that most countries do not include preemies, premature babies, the death of premature babies in their numbers. Well, we sure do here because every little baby born counts, premature or otherwise, unless it's one of those horrible tragedies where somebody aborts a baby and realizes they're alive and goes ahead and takes action to make sure they're killed or allowed to die on their own without proper care.

But number four on the pledges of the Declaration of Health Care Independence is, ''Be negotiated publicly, transparently, with genuine accountability and oversight and be free from political favoritism.'' Well, we saw an effort last Thursday at the summit to look like there was going to be a publicly, transparently negotiated health care bill, but the President announced beforehand, here's the bill we're going with and the summary of what we're going to do to that, and the summary of the summary. It had all been negotiated behind closed doors. You had a union representative, an AARP representative who said, oh, we've already worked this out in secret behind closed doors where nobody saw what was negotiated. Now we're going to bring the Republicans in and put a little window dressing on it.

Well, I don't know how many people or Members of Congress who are certified as mediators or have been through the certification process. It's pretty extensive to become an arbitrator, an international arbitrator, but I've been through those processes. And I can tell you that what happened last Thursday was not a negotiation or a mediation. It was structured to look like perhaps it was, with the President being the objective and all-caring mediator in the middle, but the trouble is the mediator kept cutting off one side when they said something that he didn't want to go there.

I'll tell you the most gratifying comment to me that just touched me deeply—and I was so proud of the President because it meant a lot to me to hear him realize this—when JOHN MCCAIN was speaking and the President pointed out that the President had finally realized, for the first time since November of 2008, that we're not campaigning anymore. That meant a lot to me that the President finally realized it was time for him to quit campaigning and actually work on the bills rather than the campaign. But then, after that I read this weekend that the White House is already preparing the next campaign for 2012, so apparently maybe it only lasted a day or two they weren't campaigning.

But number five, ''Treat private citizens at least as well as political officials.'' Well, Americans weren't fooled, went in—and this is just one volume; there are four volumes of this, the House bill, and I don't have time to pull out the other—but in there, to address America's concern that Congress was being treated more specially than rank-and-file citizens, they added a line in there that said, Under the Federal Insurance Exchange program, that Members of Congress may be covered under that if they want to be. Most people, no matter how low you read what was in the bill, they pick up on that pesky little word ''may.''

Mr. AKIN. You know, it's sort of a ''shall'' bill.

Mr. GOHMERT. Over 3,000 ''shalls,'' but that was a big little ''may'' there.

Mr. AKIN. One little ''may'' sitting in there. And the American public picks up on that and says, well, maybe you're not that sure that this bill is such a good thing. It doesn't seem like it's good for you guys.

I think you have really been pretty humble here in talking about that Declaration of Health Care Independence because you're one of the people that wrote it, and you're laying out those basic principles.

I had a chance to speak this last weekend to a pretty good size crowd back in St. Louis, and one of the things that I wanted to talk about or mention was the fact that if Republicans have made the mistakes, it seemed to me we have made just one mistake, but we make it over and over, and that is when we don't stick to basic principles that we believe in.

What you took time to do, gentleman—and I want to just let people know that the guy from Texas that worked on writing this declaration of health care rights, what you're doing is you're laying out these basic principles. You talk about transparency; that's something that is supposed to have been promised to us. You talk about if it's good enough for everybody else, it ought to be good enough for those of us in Congress. That's kind of a basic principle you're talking about that you should not get in the way of the doctor-patient relationship. You're laying out those basic principles in this health care Declaration of Independence, and I think you have—and I was in the meetings where we were writing it too. The point is, other people can write it, other people can sign their name on the bottom, too; isn't that correct?

Mr. GOHMERT. That is absolutely correct.

And we just have a few minutes left, let me finish the 10 here.

Number six, ''Protect taxpayers from funding of abortion or abortion coverage.'' And one might wonder, well, is the President really on board with that? He has said it more than once. He said it standing right there at that podium right behind the gentleman from Missouri that no abortions would be funded by Federal tax dollars. Well, this is just getting him to agree, if he would, to what he said was the real case.

Number seven, ''Reject all new mandates on patients, employers, individuals or States.'' Now, the President, in his speech today, said we want to loosen all the controls on insurance. No, we want to loosen the controls on patients; that's what we want to loosen. Patients need more control, not the insurance companies and not the government.

And then eight, ''Prohibit expansion of taxpayer-funded health care to those unlawfully present in the United States.'' One of the things in my bill, if you're going to get a visa to come into this country, then you will do—and some countries already require it—then you have to show that you will have health care insurance coverage while you're in this country or you don't get a visa. And if your health care insurance expires while you're here, the visa does too—you've gotta go.

It also provides that since we've been told there are probably 1.5 billion people in the world that would love to emigrate to the United States—and that would destroy this country because we can't handle that many immigrants, even temporarily. We can't let people bankrupt this country, and therefore, another provision in my bill says, if you're illegally in this country and you present for health care—we believe in following the law, the courts have said it, we believe we've followed the law—we will provide you health care coverage even if you're illegally here that one time. And when you're well enough to travel, you're going to be deported. And if you're ever found back in this country again after you were here illegally and got free health care, it's a prison sentence. We can't let people bankrupt this country or there is no hope for those other 1.5 billion that want to at least come here at some point.

And then number nine, ''Guarantee equal protection under the law and the Constitution.''

Ten, ''Empower, rather than limit, an open and accessible marketplace of health care choice and opportunity.''

I know the Speaker knows that we begin our practice every day with prayer, and that it goes back to 1787—I believe it was June 28 at the Constitutional Convention. They had gone on for about 5 weeks and accomplished nothing. And some people say Ben

Franklin was a deist. He said these words: ''I have lived, sir, a long time. And the longer I live, the more convincing proofs I see of this truth: God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?''

He went on, and Franklin said, ''We have been assured, sir, in the sacred writing that except the Lord build the house, they labor in vain that build it.'' He said, ''I firmly believe this. And I also believe that without His concurring aid we shall succeed in this political building no better than the builders of Babel.'' And he went on to speak longer and then said, ''I, therefore, move henceforth we begin every day with prayer in this room.'' And from that day, June 28, 1787, to this day today that we are about to wrap up, we begin with prayer.

So America works when people let their elected representatives hear from them and let them know their mind. It works when we do what Ben Franklin suggested. That doesn't sound like a deist.

With that, Mr. Speaker, I yield back.

SPECIAL ORDERS GRANTED

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

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

Ms. BERKLEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

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

Mr. POE of Texas, for 5 minutes, March 10.

Mr. JONES, for 5 minutes, March 10.

Mr. MORAN of Kansas, for 5 minutes, March 10.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 2, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 4961. To provide a temporary extension of certain programs, and for other purposes.

H.R. 1299. To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, March 4, 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. 2544, the National Association of Registered Agents and Brokers Reform Act of 2010, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 2554, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	−4	−3	0	0	0	0	0	0	0	0	−7	−7

EXECUTIVE COMMUNICATIONS, ETC.

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

6352. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Advanced Research Projects Agency, Case Number 07-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6353. A letter from the Under Secretary, Department of Defense, transmitting requests for remediation on U.S. foreign training sites regarding used depleted uranium weapons; to the Committee on Armed Services.

6354. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting the Department's annual report listing all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

6355. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending December 31, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6356. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

6357. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology (RIN: 0991-AB58) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6358. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-28, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6359. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-03, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6360. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition to the List of Validated End-Users in the People's Republic of China (PRC) [Docket No.: 0908111226-91431-01] (RIN: 0694-AE70) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6361. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-10, 2009 Benchmark Survey of U.S. Direct Investment Abroad [Docket No.: 090130089-91425-02] (RIN: 0691-AA71) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on Foreign Affairs.

6363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 702 of the Foreign Relations Authorization Act for FY 2003 (Pub. L. 107-228), a report on the 2009 U.S.-Vietnam Human Rights Dialogue Meetings; to the Committee on Foreign Affairs.

6364. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on its fiscal year 2009 Competitive Sourcing efforts, as required by Section 647(b) of the Consolidated Appropriations Act, FY 2004; to the Committee on Oversight and Government Reform.

6365. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6366. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6367. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6368. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6369. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6370. A letter from the Director, Office of National Drug Control Policy, transmitting update to the September 2009 final addendum for the Fiscal year 2008 Performance Summary Report; to the Committee on Oversight and Government Reform.

6371. A letter from the Chief Operating Officer, President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2009 Audited Financial Statements; to the Committee on Oversight and Government Reform.

6372. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XT97) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6373. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Fisheries; Regulatory Restructuring [Docket No.: 071220872-91431-03] (RIN: 0648-AU71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6374. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Service's final rule — Pipeline Safety: Editorial Amendments to the Pipeline Safety Regulations [Docket No.: PHMSA-2009-0265; Amdt Nos. 190-15; 192-111; 195-92, 198-5)] (RIN: 2137-AE51) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Senior Trial Attorney, Office of Aviation Enforcement, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections [Docket No.: DATOST-2007-0022] (RIN No.: 2105-AD72) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. 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-2009-0699 Directorate Identifier 2009-CE-042-AD; Amendment 39-16169; AD 2009-21-08 R1] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines [Docket No.: FAA-2008-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16161; AD 2010-01-04] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, and -800 Series Airplanes [Docket No.: FAA-2008-0669: Directorate Identifier 2007-NM-350-AD; Amendment 39-16166; AD 2010-01-08] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6379. A letter from the Program Anlayst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0788; Directorate Identifier 2009-NM-193-AD; Amendment 39-16167; AD 2010-01-09] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus (Type Certificate Previously Held by Airbus Industrie) Model A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2009-1230; Directorate Identifier 2009-NM-088-AD; Amendment 39-16165; AD 2010-01-07] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2009-1226; Directorate Identifier 2009-NM-149-AD; Amendment 39-16164; AD 2008-10-10 R1] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes [Docket No.: FAA-2009-0655; Directorate Identifier 2008-NM-192-AD; Amendment 39-16157; AD 2010-01-01] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation Model Falcon 7X Airplanes [Docket No.: FAA-2009-1252; Directorate Identifier 2009-NM-248-AD; Amendment 39-16173; AD 2010-02-02] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6384. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan; to the Committee on Ways and Means.

6385. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Directive on Total Return Swaps (''TRSs'') Used to Avoid Dividend Withholding Tax [LMSB Control No.: LMSB-4-1209-044] received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6386. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-4) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6387. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-5) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6388. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-6) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6389. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-8) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6390. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Study and Report Relating to Medicare Advantage Organizations As Required by Section 4101(d) of the American Recovery and Reinvestment Act of 2009''; jointly to the Committees on Energy and Commerce and Ways and Means.

6391. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1862-DR for the Commonwealth of Virgina; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CHAFFETZ (for himself, Mr. ISSA, Mr. PITTS, Mr. HENSARLING, Mr. BISHOP of Utah, Ms. FOXX, and Mr. ROONEY):

H.R. 4735. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Oversight and Government Reform.

By Mr. WILSON of Ohio:

H.R. 4736. A bill to amend the Higher Education Act of 1965 to authorize student loan forgiveness for certain individuals employed in advanced energy professions; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. CAPUANO, Mr. CLAY, Mr. CLEAVER, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, and Mr. WATT):

H.R. 4737. A bill to reauthorize assistance for capacity building for community development and affordable housing under section 4 of the HUD Demonstration Act of 1993, and for other purposes; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. WITTMAN, Mrs. MCMORRIS RODGERS, Mr. BISHOP of Utah, Mr. SHUSTER, Mr. AKIN, Mr. FLEMING, Mr. HUNTER, Mr. LOBIONDO, Mr. COFFMAN of Colorado, Mr. TURNER, Mr. WILSON of South Carolina, Mr. PLATTS, Mr. ROONEY,

Mr. CONAWAY, Mr. MILLER of Florida, Mr. FRANKS of Arizona, and Mr. KLINE of Minnesota):

H.R. 4738. A bill to prohibit the use of Department of Defense military installations in the United States, its territories or possessions for the prosecution of individuals involved in the September 11, 2001, terrorist attacks; to the Committee on Armed Services.

By Mr. CAPUANO:

H.R. 4739. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limit on the amount of certain contributions which may be made to a candidate with respect to an election for Federal office; to the Committee on House Administration.

By Mr. COHEN (for himself, Mr. RUSH, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. FUDGE, Mr. CLAY, and Mr. BRADY of Pennsylvania):

H.R. 4740. A bill to provide grants to cities with high unemployment rates to provide job training, public works, and economic development programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 4741. A bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 4742. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by modifying requirements with respect to employer-established IRAs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4743. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Ways and Means.

By Mr. MARCHANT:

H.R. 4744. A bill to require, as a condition for purchase of a home mortgage loan by Fannie Mae or Freddie Mac, and insurance of a home mortgage loan under the National Housing Act, that the mortgagor be verified under the E-Verify program; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mr. BISHOP of New York, Mr. PETERS, Mr. TIAHRT, Mr. CLEAVER, Mr. MORAN of Kansas, Mr. MEEKS of New York, Mr. ETHERIDGE, Mr. ARCURI, Mr. PIERLUISI, Mr. JONES, Mr. THOMPSON of California, Mrs. MCCARTHY of New York, Mr. BARROW, Mr. SKELTON, Mr. RANGEL, Ms. JENKINS, Mr. MCGOVERN, and Mr. FILNER):

H.R. 4745. A bill to award a Congressional Gold Medal in honor of the recipients of assistance under the Servicemen's Readjustment Act of 1944 (commonly referred to as the ''GI Bill of Rights'') in recognition of the great contributions such recipients made to the Nation in both their military and civilian service and the contributions of Harry W. Colmery in initiating actions which led to the enactment of that Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4746. A bill to amend the Internal Revenue Code of 1986 to prevent pending tax increases, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4747. A bill to amend the Controlled Substances Import and Export Act to prevent the use of Indian reservations located on the United States borders to facilitate cross-border drug trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Mr. THOMPSON of Mississippi, Mrs. MCMORRIS RODGERS, Mr. PASCRELL, and Ms. KAPTUR):

H.R. 4748. A bill to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. PRICE of North Carolina (for himself, Mr. CASTLE, Ms. SHEA-PORTER, Mr. PLATTS, Mr. CAPUANO, and Mr. OWENS):

H.R. 4749. A bill to amend the Federal Election Campaign Act of 1971 to require personal disclosure statements in all third-party communications advocating the election or defeat of a candidate, to require the disclosure of identifying information within communications made through the Internet, to apply disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. SCHAUER (for himself, Mr. MCMAHON, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. CONNOLLY of Virginia, and Ms. SUTTON):

H.R. 4750. A bill to amend the Federal Meat Inspection Act and Poultry Products Inspection Act to improve food safety by supporting efforts by entities that purchase beef, pork, or poultry products to further examine the products to ensure they remain safe for human consumption and to prohibit interference with such examination efforts, and for other purposes; to the Committee on Agriculture.

By Mr. TONKO (for himself, Mr. DAVIS of Illinois, and Ms. BERKLEY):

H.R. 4751. A bill to amend the Internal Revenue Code of 1986 to encourage the deployment of highly efficient combined heat and power property, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mrs. EMERSON, Ms. SCHAKOWSKY, Mr. SALAZAR, Mr. GRIJALVA, Mr. HINCHEY, Mr. CONYERS, Mr. WILSON of Ohio, Ms. BALDWIN, Mr. HODES, Ms. TITUS, Mr. TAYLOR, Mr. ELLISON, Mr. MOORE of Kansas, Ms. SCHWARTZ, Mr. LIPINSKI, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. OLVER, Mr. LANGEVIN, Mr. WU, Mr. KLEIN of Florida, Ms. PINGREE of Maine, Ms. KAPTUR, Ms. HARMAN, Mr. LOEBSACK, Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Mr. HALL of New York, Mr. OBERSTAR, Mr. BRALEY of Iowa, Mr. HARE, Mr. HEINRICH, Mrs. CAPPS, Ms. SUTTON, Mr. STUPAK, Mr. ARCURI, Ms. SHEA-PORTER, Mr. CARDOZA, Mr. DEFAZIO, Mr. RYAN of Ohio, Mr. CARNEY, Mr. VAN HOLLEN, Mr. KAGEN, Mr. BOSWELL, Mr. DOYLE, Mr. ISRAEL, Mr. DELAHUNT, Mr. BISHOP of New York, Ms. DELAURO, Mr. MICHAUD, Mr. BERRY, Mr. CAPUANO, Mr. CHANDLER, Mr. MARKEY of Massachusetts, Mr. KILDEE, Mr. FILNER, Mr. CARNAHAN, Mr. WEINER, Mr. MCDERMOTT, Mr. YARMUTH, Ms. WOOLSEY, Mr. FARR, Mr. LARSEN of Washington, Mr. KENNEDY, Mr. COURTNEY, Mr. SCOTT of Virginia, and Ms. KILROY):

H.R. 4752. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself, Mr. PENCE, and Mr. CAMPBELL):

H.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. TOWNS, Mr. GENE GREEN of Texas, and Mr. SESSIONS):

H. Con. Res. 246. Concurrent resolution supporting the goals and ideals of World Glaucoma Day; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia:

H. Res. 1135. A resolution amending the Rules of the House of Representatives to require that Members take the same annual ethics training as senior staff; to the Committee on Rules.

By Mr. BISHOP of Utah (for himself, Mr. CHAFFETZ, and Mr. MATHESON):

H. Res. 1136. A resolution recognizing the 100th anniversary of the establishment of the McKay-Dee Hospital in northern Utah; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

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

H.R. 39: Ms. MATSUI and Mr. NEAL of Massachusetts.

H.R. 272: Mr. BACHUS.

H.R. 303: Mr. SCHRADER.

H.R. 336: Mr. PAYNE and Mr. HALL of New York.

H.R. 442: Mr. GARRETT of New Jersey and Mr. RAHALL.

H.R. 476: Ms. WOOLSEY.

H.R. 484: Mr. MORAN of Kansas, Mr. HASTINGS of Florida, and Mr. OBERSTAR.

H.R. 606: Ms. LEE of California.

H.R. 622: Mr. MURPHY of New York.

H.R. 1079: Mr. HILL.

H.R. 1082: Mr. CAPUANO.

H.R. 1169: Mr. MICHAUD.

H.R. 1210: Ms. MCCOLLUM and Mr. LARSEN of Washington.

H.R. 1289: Mr. BAIRD.
H.R. 1324: Mr. ROSS.
H.R. 1458: Mr. ACKERMAN, Mrs. MALONEY, Mr. MCGOVERN, and Mr. SIRES.
H.R. 1523: Ms. CHU.
H.R. 1587: Mr. JONES.
H.R. 1751: Ms. NORTON.
H.R. 1806: Mr. HOLDEN, Mr. RUPPERSBERGER, and Ms. JACKSON LEE of Texas.
H.R. 1835: Mr. BOSWELL, Mr. ADLER of New Jersey, and Mr. HOLT.
H.R. 1875: Mr. HARE, Mr. KAGEN, and Mr. PERRIELLO.
H.R. 1884: Mr. ROTHMAN of New Jersey.
H.R. 2089: Ms. SCHAKOWSKY.
H.R. 2110: Mr. CRENSHAW.
H.R. 2132: Ms. NORTON.
H.R. 2149: Mr. BISHOP of Georgia and Ms. SPEIER.
H.R. 2156: Ms. CORRINE BROWN of Florida and Ms. NORTON.
H.R. 2305: Mr. PRICE of Georgia.
H.R. 2377: Mr. UPTON, Mr. CONAWAY, Mrs. MILLER of Michigan, and Mr. PERRIELLO.
H.R. 2478: Mr. MCNERNEY.
H.R. 2515: Ms. NORTON.
H.R. 2565: Mr. BROWN of South Carolina.
H.R. 2672: Ms. JACKSON LEE of Texas.
H.R. 2695: Mr. SESTAK.
H.R. 2782: Mr. PETERSON.
H.R. 2819: Ms. RICHARDSON.
H.R. 2906: Mr. KAGEN and Mr. DRIEHAUS.
H.R. 3001: Ms. NORTON.
H.R. 3017: Ms. MARKEY of Colorado.
H.R. 3043: Mr. GENE GREEN of Texas.
H.R. 3077: Mr. GARAMENDI and Ms. NORTON.
H.R. 3100: Ms. SCHAKOWSKY.
H.R. 3147: Mr. MEEKS of New York, Mr. BERMAN, and Ms. NORTON.
H.R. 3202: Mr. BISHOP of New York.
H.R. 3268: Ms. BEAN.
H.R. 3339: Mr. BAIRD and Mr. TEAGUE.
H.R. 3343: Mr. COURTNEY.
H.R. 3351: Mr. KAGEN and Mr. PETERS.
H.R. 3380: Mr. HOLT.
H.R. 3486: Mr. HOEKSTRA.
H.R. 3488: Mr. FILNER and Mr. NADLER of New York.
H.R. 3519: Ms. MCCOLLUM and Mr. OWENS.
H.R. 3564: Mr. SCOTT of Virginia.
H.R. 3666: Mr. POE of Texas and Mr. MURPHY of Connecticut.
H.R. 3697: Mr. SIMPSON.
H.R. 3712: Mrs. EMERSON, Mr. GARY G. MILLER of California, Mr. BISHOP of Georgia, Mr. UPTON, Mr. CASTLE, and Mr. PETRI.
H.R. 3715: Mr. GERLACH.
H.R. 3720: Mr. GRAVES.
H.R. 3731: Mr. WEINER, Mr. BERMAN, Mr. GARAMENDI, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. WATERS, Mr. GRAYSON, Ms. WATSON, Mr. SCOTT of Virginia, Mr. FALEOMAVAEGA, Mr. NADLER of New York, Mr. TOWNS, Ms. KILPATRICK of Michigan, Mr. ARCURI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BUTTERFIELD, Mr. KAGEN, Mr. CLEAVER, and Mr. POLIS of Colorado.
H.R. 3745: Ms. ZOE LOFGREN of California and Mr. MARKEY of Massachusetts.
H.R. 3790: Mr. SIRES, Ms. KOSMAS, Mr. BISHOP of Utah, and Mr. THORNBERRY.
H.R. 3799: Ms. WOOLSEY.
H.R. 3839: Mr. COURTNEY and Mr. ISRAEL.
H.R. 4038: Mr. SHIMKUS.
H.R. 4058: Mr. LARSEN of Washington.
H.R. 4088: Mr. TIAHRT and Ms. SCHAKOWSKY.
H.R. 4098: Ms. NORTON.
H.R. 4129: Ms. SCHAKOWSKY and Mr. BOREN.
H.R. 4140: Mr. CAPUANO.
H.R. 4149: Mr. POLIS of Colorado.
H.R. 4150: Mr. BURGESS.
H.R. 4189: Mr. JONES.
H.R. 4229: Mr. WILSON of Ohio, Mr. MEEKS of New York, Mr. MOORE of Kansas, and Mr. PUTNAM.
H.R. 4267: Mr. TIAHRT.
H.R. 4274: Mr. BOUCHER and Mr. WEINER.
H.R. 4278: Mr. KIND.
H.R. 4306: Mr. CRENSHAW.
H.R. 4318: Ms. NORTON.
H.R. 4320: Mr. ISRAEL, Ms. KILPATRICK of Michigan, Mr. GRAYSON, Mr. ROTHMAN of New Jersey, Mr. COHEN, Mr. OWENS, and Ms. SHEA-PORTER.
H.R. 4332: Mr. KILDEE.
H.R. 4351: Mr. PERRIELLO and Mr. ARCURI.
H.R. 4359: Mr. ARCURI.
H.R. 4371: Mr. TAYLOR, Mr. ROONEY, Mr. TEAGUE, Mr. BOYD, and Mr. PUTNAM.
H.R. 4399: Mr. WEINER.
H.R. 4400: Ms. ROS-LEHTINEN.
H.R. 4426: Ms. BALDWIN.
H.R. 4427: Mr. FLEMING.
H.R. 4430: Mr. PITTS, Mrs. SCHMIDT, Mr. LATTA, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. LAMBORN, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mr. HUNTER, Mrs. LUMMIS, Mr. CONAWAY, Mr. OLSON, Mr. PENCE, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. MORAN of Kansas, Mr. JONES, Mr. GARRETT of New Jersey, Mr. ROGERS of Kentucky, Mr. BROUN of Georgia, and Mr. FORBES.
H.R. 4466: Mr. LEE of New York.
H.R. 4472: Mr. PAULSEN.
H.R. 4502: Ms. SCHAKOWSKY.
H.R. 4505: Ms. BERKLEY, Mr. TIAHRT, and Mr. MINNICK.
H.R. 4538: Ms. SCHAKOWSKY.
H.R. 4541: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4556: Mr. HASTINGS of Washington.
H.R. 4573: Mr. DRIEHAUS, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Mr. LARSEN of Washington, Mr. ROTHMAN of New Jersey, Ms. BALDWIN, Ms. DELAURO, Mr. ENGEL, Mr. JOHNSON of Georgia, and Mr. DAVIS of Illinois.
H.R. 4586: Mr. CULBERSON.
H.R. 4588: Mr. BURTON of Indiana, Mr. POE of Texas, Mr. CHAFFETZ, Mr. POSEY, Mr. MANZULLO, Mr. AKIN, Mr. PITTS, Mr. LAMBORN, Mr. MARCHANT, Mr. LATTA, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mrs. MYRICK, Mr. CONAWAY, Mr. GOHMERT, and Mr. BISHOP of Utah.
H.R. 4598: Mr. PERLMUTTER, Mr. LUJÁN, and Ms. KILROY.
H.R. 4621: Ms. ROYBAL-ALLARD, Mr. ISSA, and Mr. CHAFFETZ.
H.R. 4629: Mr. SCHAUER.
H.R. 4638: Mr. PUTNAM.
H.R. 4649: Ms. LORETTA SANCHEZ of California, Mr. POE of Texas, Mr. COSTA, Mr. MCCAUL, and Mr. INGLIS.
H.R. 4653: Ms. FOXX, Mr. SAM JOHNSON of Texas, Mr. OLSON, and Mrs. LUMMIS.
H.R. 4657: Mr. RUSH.
H.R. 4692: Ms. KILROY.
H.R. 4693: Mrs. HALVORSON, Ms. KILPATRICK of Michigan, Mr. GERLACH, and Mr. MCNERNEY.
H.R. 4694: Mr. ELLISON.
H.R. 4700: Ms. WOOLSEY, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. RUSH, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. BACA, Mr. GUTIERREZ, and Mr. FARR.
H.R. 4705: Mr. POE of Texas.
H.R. 4717: Mr. SIMPSON and Mr. THOMPSON of Pennsylvania.
H.J. Res. 61: Ms. SUTTON.
H.J. Res. 74: Mr. FILNER, Mr. HEINRICH, and Mr. HINCHEY.
H.J. Res. 76: Mr. PAULSEN, Mr. FORTENBERRY, Mr. DENT, Mr. MORAN of Kansas, Mr. BOOZMAN, Mr. BURGESS, Mrs. BIGGERT, and Ms. HERSETH SANDLIN.
H. Con. Res. 230: Mr. TAYLOR.
H. Con. Res. 242: Mr. CONYERS, Ms. LEE of California, Mr. GONZALEZ, Ms. CLARKE, Mr. WATT, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Mr. RUSH, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. RODRIGUEZ, Mr. GRAYSON, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. LEVIN, Ms. JACKSON LEE of Texas, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Ms. WATERS, Mr. FATTAH, Mr. BACA, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. RYAN of Ohio, Mr. HIGGINS, and Mr. GRIJALVA.
H. Con. Res. 244: Mr. BURTON of Indiana, Mr. GOHMERT, Mr. LAMBORN, Mr. BRADY of Texas, Mr. CHAFFETZ, Mr. BISHOP of Utah, Ms. FOXX, Mrs. MYRICK, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. LATTA, Mr. AKIN, Mr. POSEY, Mr. ROONEY, Mr. MARCHANT, Mr. CONAWAY, Mr. HENSARLING, and Mrs. BLACKBURN.
H. Res. 792: Mr. SHUSTER, Mr. TIBERI, Mr. BACHUS, Mr. HUNTER, Mr. ROONEY, Mr. ROHRABACHER, Mr. CASSIDY, Mr. JONES, Mr. HENSARLING, Mr. KINGSTON, Mr. JOHNSON of Illinois, Mr. JORDAN of Ohio, Mr. OLSON, Mr. AUSTRIA, Mr. PITTS, Mr. HARPER, Mr. LANCE, Mrs. BIGGERT, Mr. LEWIS of California, Ms. JENKINS, Mr. BRADY of Texas, Mr. MANZULLO, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. PENCE, Mr. BILIRAKIS, Mr. MCCARTHY of California, Mr. THOMPSON of Pennsylvania, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. AKIN, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. MARIO DIAZ-BALART of Florida, Mr. ROSKAM, Mr. BUCHANAN, Mr. KING of Iowa, Mr. FORBES, Mr. LUETKEMEYER, Mr. DREIER, Mr. MCCOTTER, Mr. DENT, Mr. COLE, Mr. BOREN, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. MICA, Mr. SMITH of Nebraska, Mr. STEARNS, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. GUTHRIE, Mr. FORTENBERRY, Mr. YOUNG of Florida, and Mr. CRENSHAW.
H. Res. 888: Mr. REICHERT.
H. Res. 904: Mrs. DAHLKEMPER, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM, Mr. ISRAEL, Ms. SPEIER, and Mr. SCHIFF.
H. Res. 1016: Ms. SCHAKOWSKY.
H. Res. 1041: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. BARROW, Mr. MELANCON, Ms. KOSMAS, and Mr. PETERSON.
H. Res. 1042: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. MELANCON, Mr. BARROW, Ms. KOSMAS, and Mr. PETERSON.
H. Res. 1052: Mr. REYES, Mr. DEFAZIO, and Mr. CONAWAY.
H. Res. 1053: Mrs. CHRISTENSEN, Ms. NORTON, and Ms. SCHAKOWSKY.
H. Res. 1064: Ms. TSONGAS, Mr. MICHAUD, Mr. MURPHY of Connecticut, and Mr. KAGEN.
H. Res. 1075: Mr. KING of Iowa, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. HILL, Mr. PETERSON, Mr. SMITH of Nebraska, Mr. ROONEY, Mr. WITTMAN, and Mr. TAYLOR.
H. Res. 1086: Ms. MCCOLLUM.
H. Res. 1088: Mr. MORAN of Virginia.
H. Res. 1100: Mr. HASTINGS of Florida.
H. Res. 1102: Mr. SCOTT of Virginia.
H. Res. 1103: Mr. DAVIS of Tennessee, Mr. GRIFFITH, and Mr. BARTON of Texas.
H. Res. 1104: Mr. PAYNE and Mr. TOWNS.
H. Res. 1116: Mr. BISHOP of Georgia, Mr. KIRK, and Mr. TOWNS.

H. Res. 1119: Mr. PATRICK J. MURPHY of Pennsylvania and Mrs. MYRICK.

H. Res. 1120: Mr. CUELLAR.

H. Res. 1124: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 1127: Mr. HIGGINS, Mr. STARK, Mr. REYES, Mr. LEVIN, Mr. ETHERIDGE, Mr. SCHIFF, Ms. LEE of California, Mr. BECERRA, and Mr. VAN HOLLEN.

H. Res. 1128: Mr. HOLDEN, Ms. WATSON, Mr. TANNER, and Mr. CARNAHAN.

H. Res. 1133: Ms. EDWARDS of Maryland.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, MARCH 3, 2010 *No. 29*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the giver of every good gift, thank You for quiet harbors of peace where we may bow in prayer and seek Your grace and wisdom.

Guide our Senators during this season when vast issues are at stake. As they serve You and country, keep them mindful of the great tradition in which they stand, enabling them to rise to greatness of vision and action.

Lord, with confidence, we commit ourselves and our Nation to You, who knows the road we travel and has promised to bring us to a desired destination. May we continue to expect great things from You, as we attempt great things for You.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 3, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will move directly to the bill. If Senator MCCONNELL wishes to speak, he has that right. We will move to H.R. 4213, the Tax Extenders Act. Last night, we were able to reach agreement on the next amendments in order. Those amendments will be offered soon, and I hope we will be able to reach agreement to vote in relation to the pending amendments. I am going to offer an amendment on behalf of Senator MURRAY. Senator SANDERS will offer one. Then there will be two Republican amendments. We have to kind of clear the decks. There will be no more amendments until we can make some arrangement to dispose of what has already been laid down. We have three. These four more means seven amendments. There will be two Democratic amendments this morning, two Republican amendments. That will mean a total of seven amendments. We have to take a pause then and try to get rid of some of these, voting on them before we move to others.

We can now move to the bill, Mr. President.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

TAX EXTENDERS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Sessions amendment No. 3337 (to amendment No. 3336) to reduce the deficit by establishing discretionary spending caps.

Thune amendment No. 3338 (to amendment No. 3336) to create additional tax relief for businesses.

Landrieu amendment No. 3335 (to amendment No. 3336) to amend the Internal Revenue Code of 1986 to extend the low-income housing credit rules for buildings in the GO Zones.

AMENDMENT NO. 3356 TO AMENDMENT NO. 3336

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator MURRAY and others. This is No. 3356.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. MURRAY, for herself, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS, proposes an amendment numbered 3356 to amendment No. 3336.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for summer employment for youth)

At the appropriate place, insert the following:

SEC. ___. TRAINING AND EMPLOYMENT SERVICES.

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (referred to in this section as the ''WIA''), $1,500,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—In particular, of the amount made available under subsection (a)—

(1) $1,500,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(A) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(B) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed $1,000,000,000;

(C) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'';

(D) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds; and

(E) an amount that is not more than 1 percent of the funds appropriated under subsection (a) may be used for the administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds; and

(2) funds designated for the purposes of paragraph (1)(E), together with funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, shall be available for obligation through September 30, 2012.

Mr. REID. This amendment I offer on behalf of Mrs. MURRAY, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS. This, of course, is to the amendment proposed by Senator BAUCUS.

AMENDMENT NO. 3353 TO AMENDMENT NO. 3336

(Purpose: To provide an emergency benefit of $250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of cost-of-living adjustment for such year, and for other purposes)

I ask unanimous consent that amendment No. 3353 be called up now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. This is on behalf of Senator SANDERS, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SANDERS, for himself, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND, proposes an amendment numbered 3353 to amendment No. 3336.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of March 2, 2010, under ''Text of Amendments.'')

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, most Americans breathed a sigh of relief in January when it looked like the Democrats' partisan plan for health care was done for. Most people saw the outcome of the Massachusetts Senate race as an opportunity to start over on what they wanted, which is a step-by-step plan that would target costs without raising taxes or insurance premiums, without cutting Medicare, and without using taxpayer dollars to cover the cost of abortions.

Unfortunately, the proponents of this plan are still determined to force this distorted vision of health care reform on a public who is already overwhelmingly opposed to it. So this afternoon the President will outline yet another version of the Democratic health care plan we have been hearing about all year long. The sales pitch may be new, but the bill is not.

We got a preview of the administration's new sales pitch yesterday in a letter from the President, in which he said he is now willing to incorporate a few Republican ideas into the Democratic bill. But this is not what the American people are asking for.

Americans do not want us to tack a few good ideas onto a bill that reshapes one-sixth of the economy, vastly expands the role of government, and which raises taxes and cuts Medicare to pay for all of it. They want us to scrap the underlying bill—scrap it altogether—and start over with step-by-step reforms that target cost and expand access.

This whole exercise is unfortunate and completely unnecessary. It is also a disservice to the American people. The fact is, the longer the Democrats cling to their own flawed vision of reform, the longer Americans will have to wait for the reforms they want.

Last week's health care summit could have served as the basis for a series of step-by-step reforms that both parties could support and which the general public would embrace. Unfortunately, Democrats in Washington have decided to press ahead on the same kind of massive bill they were pushing before the summit. Even worse, they now seem willing to go to any length necessary—any length necessary—to force the bill through Congress.

Well, Americans do not know how else to say it: They do not want the massive bill. It is perfectly clear. They want commonsense, bipartisan reforms that lower costs, and they want us to refocus our energy on creating jobs and the economy. They have had enough of this year-long effort to get a win for the Democratic Party at any price to the American people. Americans have paid a big enough price already in the time we have lost focusing on this bill.

They do not want it, and they will not tolerate any more backroom deals or legislative schemes to force it through Congress on a partisan basis. History is clear: Big legislation always requires big majorities. This latest scheme to lure Democrats into switching their votes in the House by agreeing to use reconciliation in the Senate will be met with outrage.

So we respectfully encourage the administration to consider a new approach to reform, one that does not cut Medicare to fund a trillion-dollar takeover of the health care system or impose job-killing taxes in the middle of a recession, and one that will win the support of broad majorities in both parties. We encourage the administration to join Republicans and Democrats in Congress in listening to what the American people have been telling us for more than a year now.

At the risk of being redundant, here is what they are saying: Americans are telling us to scrap the bills they have already rejected and start over with commonsense, step-by-step reforms we can all agree on. Now is not the time to repeat the same mistakes that brought us here. It is time to listen to the people and to start over.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, last night, I met the mayor of Kankakee, IL. She told me about a problem she has. Kankakee has 28,000 residents. The economy has hurt them. They have lost sales tax revenues. They do not have the income they had just last year. Their annual budget is $20 million for the city of Kankakee. That is for all the services they provide.

Ten percent of that budget—$2 million—goes for the health insurance of the workers in that town; about 200 of them—10 percent, $2 million. So they went to their insurance company and said: What will the insurance cost us this year? The health insurance company said: Your rates are going up 83 percent—83 percent. What had cost them $2 million last year will cost them almost $4 million this year.

When I listened to the speech from the minority leader, the Republican leader, who says: Start over, go slow, baby steps, we do not want to do anything that is big or addresses this problem in any kind of comprehensive way, I think to myself: Does he understand the reality of what businesses, families, small towns, and large cities are

facing across America? The Kankakee example is not unique. Just a couple weeks ago, in California, Anthem Blue Cross and Blue Shield announced a 39-percent increase in health insurance premiums next year.

If you look at what the average family paid for health insurance 10 years ago, it was about $6,000 a year—$500 a month. It is a lot of money. But that was 10 years ago, and it has doubled in the last 10 years. It is now $12,000, the average premium paid by a family of four across America.

But what will happen in the next 8 to 10 years? It will double again. Can you imagine the job you will need 10 years from now that will generate $2,000 a month just for health insurance premiums, before you take the first penny home to pay your mortgage or feed your family or provide for your kids' college education? That is the reality of the call by the Republican side of the aisle to go slow, start over.

No. Their go slow, start over can be translated into two words: ''Give up.'' We are not going to give up. They call for common sense. Our approach to health care reform is grounded in common sense. Let me tell you what the basics are.

The basics are, small businesses across America need to have choice and competition. We create insurance exchanges. I went to the President's health care summit last week, and I listened to the Republicans say: Do you know what is wrong with the health care reform bill? No. 1, it is a government-run program. Well, it is not. It is private health insurance companies brought together by the government to compete for the business of individuals and small businesses. They said: Do you know what else is wrong? They put minimum requirements on health insurance plans, minimum requirements of what they will cover. You ought to let the health insurance companies offer whatever they want. If they want to offer something that is virtually worthless, that is their business. Let the consumers decide.

I said at that health care summit meeting: Isn't it amazing that Members of Congress, who are part of the Federal Employees Health Benefits Program, including the Republican House and Senate Members who sat in that summit, have their families protected by a government-run health care plan, which establishes minimum requirements for health insurance to protect our families? Yet when we suggest doing that for the rest of America, the conservative Republicans say: You have gone too far. That violates some basic values and principles.

If they were honest about it, they would have walked right out of that summit and turned in their Federal Employees Health Benefits Program cards and said: We are out of here. This is socialism. We are not going to be part of it. But, no, they want to enjoy the benefits of a government-run plan, with minimum benefits outlined and described for their families. They do not want other people to have it. That is wrong. It is not only wrong, but it is unfair. It is unfair to the families across America who deserve the same kind of protection in health insurance Members of Congress have.

So the first commonsense part of our health care reform is insurance exchanges, where private companies compete for the health insurance business of small businesses and individuals—competition and choice.

The second commonsense part of health care reform says, it does no good to own a health insurance policy which isn't there when you need it. You pay a lifetime of premiums, and with one accident, one diagnosis, you are stuck with a huge amount of medical bills, and the health insurance company says: We took a close look at your application for health insurance, and you failed to disclose you had acne as a teenager—I am not making this up—so we are going to deny you coverage for the cancer therapy you are going to need—I am not making this up—or they say: You didn't tell us you had an adopted child in your family. That is another preexisting condition. Did you know that? It is. In the list of preexisting conditions, it includes things such as that, and that is what happens—the tricks and traps in health insurance that yank coverage from you when you need it the most.

This bill, the health care reform bill we are working on, starts to change that relationship and gives the consumers across America a fighting chance to fight back when they are denied coverage for a preexisting condition, to fight back when they say there is a cap on the total amount they are going to pay in your lifetime, to fight back when they say you cannot take your insurance with you when you leave a job, to fight back when parents realize when their kids get out of college, the family health insurance plan cannot cover them anymore.

Those are basic health insurance reforms that embody common sense. The Senator from Kentucky, Mr. MCCONNELL, comes here and says: We have to junk this big government plan. It is so wildly unpopular. Is it unpopular to offer choice and competition to small businesses? Is it unpopular to give consumers a fighting chance against health insurance companies?

There is a third aspect too. We asked the Republicans at the health care summit: If you accept the obvious—that 50 million uninsured Americans get sick, go to hospitals, are treated, and the cost of their care is then passed on to everyone else—if you accept that, what are you going to do about it? They said: Oh, we have an answer to that. Fifty million uninsured Americans? We will deal with that. We will take care of 3 million of them—3 million of them. Six percent of them we will take care of.

Well, the bill we are supporting, the health care reform bill we are supporting, takes care of 30 million. I wish it were 50 million, but it takes care of 60 percent, over half of them. The hospital administrator at Memorial Medical Center in Springfield, IL, said to me: Senator, if I don't have to give out all this charity care, I can contain my costs and build the hospital and even make it greater for this community. But I have to absorb charity care for uninsured people because we do that in America. Put more of them on insurance and we will have more revenue coming in. I would not have to transfer their cost burden to other families. I will do better as a hospital. We will do better as a community.

I think he is right. It is common sense. The Senator from Kentucky says we need common sense. That is part of it. I think we also need common sense when it comes to Medicare. Medicare, of course, was created almost 50 years ago. Those who opposed it said: Too much government. Those who supported it said: How else can we provide for the elderly and retired, giving them basic health care protection, if we do not have an insurance plan across America that we contribute to as we work and is available for us when we retire?

What happened when Medicare was passed? Senior citizens started living longer, better, more independent lives. The record is there. It is clear. It worked. We want it to continue to work. But the problem is, as the costs of health care skyrocket because of baby steps and no steps recommended by the other side of the aisle, as the costs skyrocket, Medicare costs do as well. It only has about 9 years left before it goes into the red.

Well, the bill we are proposing, the health care reform bill, will extend the life of Medicare another decade. I wish it were longer. But it certainly is a step in the right direction. How do we extend the life of Medicare? We look at the waste in Medicare today, and there is waste. Let me give you a couple numbers to compare. These numbers reflect the average cost for each Medicare recipient annually in each community. In my hometown of Springfield, IL—central Illinois, small town America I am honored to represent—$7,600 a year, average cost per Medicare recipient. Rochester, MN—home of one of the greatest hospitals in America, the Mayo Clinic, a place I dearly love and respect for the treatment they have given to my family—it is about the same, $7,600 a year, average cost for Medicare recipients. Now go to Chicago—a big city—$9,600 a year, average cost for Medicare recipients.

Now go to Miami, FL. The average cost for Medicare recipients, $17,000 a year. It costs more to live in Miami than it does in Springfield or even Rochester, MN, but twice as much? No. Something is wrong. Overpayments are obvious in Miami, FL, in McAllen, TX.

We can pick them out, and we can see we are wasting our tax dollars with too many tests, too many procedures, not

focusing on quality but quantity. Can we make this a better system? Can we keep seniors healthy and reduce costs? Of course we can. We can eliminate a lot of the waste. We can raise questions about self-dealing by doctors who make sure they send their patients to their own laboratories, using their own machines over and over again. We can do that. In doing so, we are not going to compromise the basic care Medicare recipients want.

So the Senator from Kentucky says: Too big. It is a big government program. We need to go step by baby step here. No. We need to take a look at the obvious. If we do not address Medicare and reform it the right way, in 9 years it will be in the red, going broke. We cannot let that happen. Baby steps from the other side of the aisle will not take us on this important journey to the goal we all share.

I also wish to say a word about the deficit. President Obama said to us when we started this debate: I know what our goals are, but in reaching those goals, do not add to America's debt. We came up with ways to reduce health care costs, to increase taxes on people making over $200,000 a year; not dramatic increases but, in fact, increases in taxes for them. The Congressional Budget Office says that as a result, in the first 10 years, our bill, the health care reform bill, will reduce the deficit by $130 billion, and in the second 10 years it will reduce it by $1.3 trillion, the largest deficit reduction in the history of the United States. This approach is fiscally sensible, fiscally sound.

A word before I close—I see my colleague from Iowa is on the floor and I wish to yield to him—about reconciliation. Senator GRASSLEY is on the Finance Committee. He has served on that committee for a number of years and he understands how the Senate works. When President Reagan wanted to initiate his tax cuts, he used a process called reconciliation. Reconciliation basically says no filibuster; you come to the floor, you offer your amendments and, ultimately, it is a majority vote. That is what reconciliation says.

So President Reagan used reconciliation for tax cuts. Speaker Newt Gingrich used reconciliation for his Contract With America. We have used reconciliation to create the COBRA program to provide health insurance for unemployed workers across America. Time and again we have used reconciliation for major issues involving taxes and revenue. It has been done 21 times in the last couple decades. More often, it is used by the Republican side of the aisle than the Democratic side of the aisle. To brand this process as somehow un-American and unfair is to suggest that all of the efforts by the Republicans to use this process have been un-American and unfair. I don't think that is true. It wasn't true then; it isn't true now.

What we have is a bill that has passed the Senate, the health care reform bill, which is now over in the House. The House of Representatives will decide whether they can enact the Senate version of health care reform. The follow-on bill is likely to be the reconciliation bill which will make some changes in that health care bill. It is not the total health care bill, but it will include changes. Some of the changes that are being contemplated are ones that I think most Members on both sides agree to. Should we close the doughnut hole? Well, what is the doughnut hole? It is a gap in coverage in Medicare prescription drug coverage for seniors. Should we close that gap? I think we should. That is part of it.

Second, should we try to make health insurance more affordable? Our underlying bill puts almost $450 billion in tax cuts on the table for small businesses and for individuals who cannot afford their premiums. The reconciliation bill will try to make it even more affordable.

Can we help the States with their Medicaid burdens? We should. In my State of Illinois, in Iowa, and in New Mexico, Governors are struggling. With folks on unemployment, more and more people need Medicaid. We should help to pay for it.

None of these ideas behind reconciliation—and there are other aspects to them; we are working out details on them—is radical. None of them is comprehensive in terms of changing health care dramatically in America, but they do improve on a bill that has already passed in the Senate.

The Republican leader comes to the floor and tells us this is un-American and unfair. I couldn't disagree more. Every time we hear the Republican side of the aisle say start over, I ask them, how much longer should America wait? We have been at this in the Senate now almost nonstop for over a year. The Senator from Iowa, Senator GRASSLEY, was part of a bipartisan effort, with Senator BAUCUS, a Democrat, that went through 61 separate meetings to try to find bipartisan agreement, and it didn't. I salute Senator GRASSLEY and others for trying, but it didn't. We had to move forward.

So should we start over? Should we give up the things I have talked about? Should we give up this effort to give small businesses choice and competition? Should we give up on the effort to make sure we have a fighting chance against insurance companies? Should we give up on the effort of trying to make sure that a substantial number of uninsured Americans have that protection? Should we give up on the effort of extending the life of Medicare for 10 years? Should we give up on the effort to reduce our deficit by reducing health care costs, not only for our government but for businesses and families? No. We cannot give up. We cannot give up on America. We cannot give up on this challenge. I urge my colleagues to stay the course.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, are we now on the pending legislation?

The ACTING PRESIDENT pro tempore. Yes, we are.

AMENDMENT NO. 3352 TO AMENDMENT NO. 3336

Mr. GRASSLEY. I ask unanimous consent—and I think this has been cleared with the other side—that the pending amendment be set aside for the purpose of my offering an amendment and giving short debate on my amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. CRAPO, Mr. ENSIGN, Mr. HATCH, and Mr. ROBERTS, proposes an amendment numbered 3352 to amendment No. 3336.

Mr. GRASSLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, March 2, 2010, under ''Text of Amendments.'')

Mr. GRASSLEY. Mr. President, a couple of days ago I stated that I had worked in early February to put together a bipartisan package with my colleague, Finance Committee Chairman BAUCUS, to address some time-sensitive matters that needed to be considered. So I find it surprising we are taking up a package this week that, as was last week's exercise, is still a partisan product belonging to the Senate Democratic leadership. We are not taking up the bipartisan package I put together with Finance Committee Chairman BAUCUS.

The Senate Democratic leadership arbitrarily 2 weeks ago decided to replace the Baucus-Grassley bipartisan bill with one that is dramatically different. That partisan package is almost three times the size and significantly greater in cost than the bipartisan bill Senator BAUCUS and I announced on February 11. It is unfortunate that the Democratic leadership failed to ensure that these critically needed Medicare provisions were extended at the end of last year, and then they failed to extend the provisions that had expired in 2009 for over 2 months.

So, today, this present situation I just described brings me to the offering of this amendment. This amendment would ensure that Medicare provisions are fully offset, and my amendment would also extend the physicians update through the end of this year. The words ''physician update'' are directly related to the formula used to determine Medicare payments to physicians. On February 28, the extension expired and physician payments were scheduled to be cut by 22 percent under the existing formula, except just recently that was extended so that doesn't actually happen. But this on-again, off-again situation that doctors are put in

ought to end, and this amendment I offer will make sure that doesn't happen through all of 2010.

I wish to make very clear this isn't just for doctors, even though it affects just doctor payment. These provisions are also essential to the health and well-being of every Medicare beneficiary. This is the fiscally responsible way to extend them. We ought to pay for them.

These Medicare provisions have been routinely supported by both sides, fully offset, and passed repeatedly in recent years. Now, of course, it is March 3. Medicare beneficiaries around the country are suffering from the Democratic leader's decision to abandon the Baucus-Grassley bipartisan package my colleagues and I had worked out weeks ago.

First, there is the urgently needed physician payment update, and sometimes around this town we refer to this as the doctors fix for short, to fix the formula, to bring the formula up to date so those 22-percent cuts don't go into effect. There was a doctors fix at the end of last year through a 2-month extension that expired, as I said, on February 28. So as of March 1, physicians and nurses and other health care professionals were subject to these severe cuts of 22 percent. Then, because we get a lot of calls—and my office got these calls as well—from doctors concerned about how they are going to keep their offices open, we now have a 30-day extension passed last night so these physician payments that would have been a 22-percent cut now, for 3 days, won't take place until, unless we act, the end of March. That is not a very good way to do business if you have to worry about a doctor, particularly in rural America, keeping their offices open and paying their help, so we ought to do it on a more consistent basis instead of running month to month.

These cuts to physician payments cannot be allowed to occur, and as damaging as these would be to beneficiary access to care anywhere, these cuts are even more disastrous for access to care in rural America such as in Iowa where Medicare reimbursement is already at least 30 percent lower than in other areas.

I am appalled that seniors' access to physicians and needed medical care has been handled this way because of political games that are being played by the majority leadership. Should these cuts remain in place, they will have a truly devastating effect on the ability of seniors to find doctors who take Medicare patients. Many beneficiaries have already been affected by Medicare provisions that the Senate Democratic leadership allowed to expire even last December.

One of the most urgent situations involves limitations that Medicare places on the amount of certain kinds of treatments for beneficiaries. Medicare places annual limits on the amount of outpatient physical therapy, speech language pathology therapy, and occupational therapy that a beneficiary can receive. In other words, the government is saying, regardless of how much health care you need in these areas of therapy, you can only get up to so much dollar amount.

Well, laws that have lapsed have allowed special cases to be taken care of contrary to what the law specifically says on dollar limit. In 2005, the law was changed to provide an exception process to these therapy caps for situations when additional therapy is medically needed, and that needed protection for beneficiaries then expired when the doctors fix expired on December 31. Medicare beneficiaries who have suffered strokes or serious debilitating injuries such as a hip fracture have significant rehabilitation needs.

So we are in this situation of extending this doctor fix from month to month. Situations where patients need this rehabilitation have already exceeded the caps for 2010.

Those with the greatest need for therapy will be the hardest hit. Here, again, with the 30-day extension bill having passed last night, this problem has been only temporarily fixed. This is another case where Congress is playing political games with Medicare. These should have been taken care of at the end of last year, and they could have already been resolved if the Senate had taken up the original Baucus-Grassley bill instead of replacing it with a cutback, partisan piece of legislation that the Senate handled last year or, one might say, being handled right now with this legislation now on the floor of the Senate to which my amendment is being added.

Other essential provisions we need to be looking at for extension are additional payments for mental health services. This benefits Medicare beneficiaries in need of mental health counseling, as well as veterans suffering from post-traumatic stress and other disorders since TRICARE is based on Medicare rates.

Another issue concerns additional payments for ambulance services that many ambulance providers need to keep their doors open. Those provisions also expired at the end of last year, but they were not extended in the 30-day bill voted on last night.

Another important issue affects community pharmacies. Pharmacies that have not gone through the accreditation process will soon be forced to turn away Medicare beneficiaries. A provision in my amendment would ensure that beneficiaries who need vital medical supplies, such as diabetic test strips, canes, nebulizers, and wound care products, can continue to have access to these products through their community pharmacy.

Many eligible professionals, such as physicians, nurse practitioners, physical therapists, and others, have been specifically exempted from this accreditation requirement. This provision would also exempt community pharmacies under certain conditions.

A number of other expired provisions are extended in this package. They include improved payments for hospitals, especially rural hospitals, that rely on these provisions just to keep their doors open. Like many others, these problems are not fixed in the simple 30-day bill passed last night. These problems remain.

The impact of a hospital shutting its doors would be especially hard on rural and underserved areas where hospitals offer the only access to health care.

We need to pass this critically needed and fiscally responsible amendment now. I urge my colleagues to support it. That is what I have to say on my amendment.

I would like to take a couple minutes to respond to a couple issues that Senator DURBIN brought up. I am not here to refute anything he said but to give an addendum to what he said on a couple points.

One is the use of reconciliation and the opposition that I think is pretty unified on this side of the aisle that the name of the game should not be changed. He did not say anything inaccurate. But when it comes to reconciliation on a massive 2,700-page bill that we call health care reform—that is a partisan bill—the same bill that passed Christmas Eve in this body, never has reconciliation been used to reorganize one-sixth of the entire economy. In other words, about $2.5 trillion out of a $14 trillion economy is being reorganized by that health care reform bill.

I say to Senator DURBIN, that is quite a bit different than using reconciliation for a tax bill or for a Medicare reform bill or to save money on certain entitlement programs. It is like peanuts compared to a massive restructuring of one-sixth of the economy. That is why we say reconciliation should not be used.

A second point for not using reconciliation is the fact that this bill has been turned down by the vast majority of the American people. There is overwhelming opposition to this 2,700-page bill, albeit not overwhelming opposition to the issue: Is the present health care system adequate and should it be changed. I think a slight portion of the American people would say yes, and I think most of the 100 Senators would say yes to that. But for this 2,700-page bill, 70 percent of the American people have said it needs to be started over again with a clean sheet of paper.

Then on the issue he brought up of extending Medicare for 10 years, that is true if you use the double accounting in the bill. The Congressional Budget Office has stated that it is using double accounting. That is not the way you can intellectually count money twice. The Congressional Budget Office, in a paper I read to the President at the summit last week, claims it is double accounting. That is not the way to do business.

You can extend the viability of any program by a lot if you are going to count money twice, but you cannot do

that. Some of the problems with the 2,700-page bill, the American people understand. That is why they rejected it. That is why we say reconciliation should not be used, and that is why we say we should start over and do things incrementally.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3353

Mr. SANDERS. Mr. President, the amendment I want to speak on is No. 3353. This amendment is extremely simple and it is extremely straightforward.

At a time when millions of senior citizens, veterans, and persons with disabilities have slipped out of the middle class and into poverty; at a time when the cost of prescription drugs, medical care, and heating oil have gone through the roof in many parts of our country; at a time when millions of seniors have seen the values of their pensions, their homes, and their life savings plummet; at a time—and here is the important point—for the first time in 36 years, seniors will not be receiving a COLA in their Social Security benefits.

The amendment I am offering today with Senators DODD, LEAHY, SCHUMER, KERRY, WHITEHOUSE, MIKULSKI, GILLIBRAND, LAUTENBERG, and BEGICH will provide over 55 million senior citizens, veterans, and persons with disabilities $250 in much needed emergency relief. This $250 emergency payment is equivalent to a 2-percent increase in benefits for the average Social Security retiree, and it is, as you will recall, the same amount seniors received last year as part of the Recovery Act. In other words, what we are doing now is exactly the same as we did last year with the Recovery Act.

I do not know about New Mexico, but I do know that in Vermont, a lot of senior citizens and disabled veterans are wondering this year why they are not receiving a COLA. They have written to my office and they are saying to me: Hey, I don't know what you are talking about because my costs have increased over the last year. That is because, in fact, while inflation may not have gone up in general, those areas elderly people and people who have health problems utilize—prescription drugs, health care, other health-related issues—those costs have gone up very substantially. I think there is an awareness all over this country that we cannot, in the midst of this recession, turn our backs on disabled veterans and seniors.

This amendment has widespread support from organizations representing tens of millions of Americans. Among the organizations that are supporting this amendment are the AARP, the largest senior group in America; the American Legion, the largest veterans group in America; the Veterans of Foreign Wars; the National Committee to Preserve Social Security and Medicare; the Disabled American Veterans; AMVETS and OWL and many other organizations.

Money directed to this population will go almost immediately into the economy. So when we talk about stimulus, I don't know of a better way to get money out into the economy than passing this amendment.

I am also very happy and delighted that President Obama is very strongly supportive of a $250 emergency payment to seniors. As you know, the President has spoken out on this issue, he has also included it in his budget, and he has also recommended that it be included in the underlying legislation we are debating today.

Here is what President Obama has said about this issue:

> Even as we seek to bring about recovery, we must act on behalf of those hardest hit by this recession. That is why I am announcing my support for an additional $250 in emergency recovery assistance for seniors, veterans, and people with disabilities to help them make it through these difficult times. These payments will provide aid to more than 50 million people in the coming year, relief that will not only make a difference for them, but for our economy as a whole, complementing the tax cuts we've provided working families and small businesses through the Recovery Act. This additional assistance will be especially important in the coming months as countless seniors and others have seen their retirement accounts and home values decline as a result of this economic crisis.

That is the end of the quote by President Obama. I very much appreciate the President speaking out and fighting for senior citizens and the disabled with regard to this issue.

I can tell you that just on Monday I had a meeting with senior citizens and senior citizens organizations in the State of Vermont. It was a very distressing meeting. When we talked, for example, about nutrition programs, the Meals on Wheels program or the congregate meals programs by which seniors come to senior citizens centers to get a decent lunch, what people are telling me is that for the first time in many years, when seniors are asked to put money into an envelope—and very carefully, the senior centers don't want to know what people contribute. They ask for, say, $2 or $3, but people can contribute whatever they want. What they are noticing now is that more and more seniors are putting nothing into the envelope or maybe just $1. They are seeing the same process when people get out in their cars and they deliver Meals on Wheels to very fragile and frail people, often in rural areas, and people don't even have the money, now, to even pay $2 for a lunch.

All over this country, seniors are hurting. I think they are upset and distressed that they are not getting a COLA this year. Essentially, what this payment is about is a substitute for a COLA. It is a 1-year payment, and it is the equivalent of about a 2-percent COLA.

Let me mention the response of some of the veterans organizations. This amendment, importantly, will be helping our disabled veterans. Here is what the VFW said in support of this amendment:

> This year, veterans and seniors will not receive a COLA. This could not come at a worse time. Your legislation would provide a one-time check of $250 to 1.4 million veterans, 48.9 million Social Security recipients, and 5.1 million SSI recipients. We believe that this will provide some relief to those veterans and seniors living on fixed incomes who rely on a COLA to keep up with daily living expenses. The VFW commends you for concentrating on changes that can positively impact the lives of others and looks forward to working with you and your staff to ensure passage of this legislation.

I thank the Veterans of Foreign Wars for the great work they do and for supporting this amendment. We appreciate their support.

Let me quote a letter I recently received from another organization that has been very strong for many years in fighting for senior citizen rights; that is, the National Committee to Preserve Social Security and Medicare. This is what the national committee says:

> The National Committee strongly urges you to pass legislation to provide a $250 payment to our Nation's seniors who did not receive a COLA this year. It is vitally important that we provide help for seniors of modest means who have been adversely affected by the economic recession and rapidly rising health care costs. Seniors have been especially hard hit by the 20 percent to 30 percent decline in the value of employer pensions, IRAs and 401(k)s, as well as the steep drop in housing values. And, unlike younger Americans, the elderly are much less likely to recover their savings losses due to their shorter economic horizon.

That is from the National Committee to Preserve Social Security and Medicare. We very much appreciate their support for this amendment.

Here is a quote from the AARP, which represents over 40 million Americans, and we very much appreciate their support. This is what the AARP says:

> For over three decades, millions of Americans have counted on annual increases to help make ends meet. In this economy, having this protection is even more critical for the financial security of all older Americans. AARP applauds the President for urging Congress to extend for 2010 the $250 economic relief provided to older Americans last year. The 65-plus population is facing extreme financial hardship. Older Americans are paying more out of pocket for medical care, have experienced a real decline in their retirement accounts and in housing values, face longer periods of unemployment for those who need work, and low returns on interest bearing accounts. Without relief, millions of older Americans will be unable to afford skyrocketing health care and prescription drug costs as well as other basic necessities. AARP will continue to work with Members of Congress from both sides of the

aisle to provide $250 in economic relief to millions of seniors who count on Social Security to pay their bills.

Here is the point, the point the VFW has made, the national committee has made, the AARP has made. Some people may say $250 is not a lot of money, but the truth is, if you are a senior in the State of Vermont or in any other State in this country and your health care costs are going up and your prescription drug costs are going up and your heating bills are going up and you are not getting any COLA this year, you are in trouble. You are in real trouble. I do not want to give any illusion that this $250 is going to turn people's lives around. It is not. But it is going to make a real difference in giving people a little bit of support, making their lives just a little bit easier.

This is extremely important legislation, and it is important legislation that I hope can have widespread bipartisan support.

Once again, I thank all the organizations that are supporting this amendment; that is, the AARP, the American Legion, the Veterans of Foreign Wars, the National Committee to Preserve Social Security and Medicare, the Disabled American Veterans, AMVETS, and OWL as well.

The bottom line is, we are in the midst of a very serious recession. We are doing our best to try to figure out ways to create the millions of good-paying jobs working people need. We are going to pass COBRA to make sure when people lose their jobs they do not lose their health insurance. We are going to extend unemployment benefits. But in the middle of all of that, let's not forget our parents and our grandparents. Let's not forget senior citizens and disabled veterans. Let's pass this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFORMING THE SENATE

Mr. BENNET. Mr. President, I would like to take a couple of minutes this morning to talk about something that not only affects the legislation currently on the floor but everything we are currently working on in the Senate.

Before coming to the Senate a little over a year ago, I spent my life in the real world—the world of business, of local government, of public schools and, most importantly of all, of family. But since coming to Washington, I have discovered that many people learn to live in an entirely different world, an echo chamber, shut off from the reality of life in America that defies common sense at every turn and uses anonymous holds to defy the rule of reason.

I used to tell my little girls that ''Alice in Wonderland'' was just a fairy tale. But now I am not so sure. If you come from the real world, when you get to Washington, to Wonderland, the logic can seem upside down or inside out or just plain wrong. Here, it turns out that folks attack you when you do not cut backroom deals at the taxpayers' expense. Here, a lot of people seem to think that saying they are for doing something, such as extending unemployment benefits or passing a jobs bill, is exactly the same thing as actually rolling up their sleeves and getting it done. They think that blaming failure on their opponent is the same thing as fighting for real change.

Coloradans and Americans are reading their papers and watching their televisions, and what they see drives them nuts. It should because all they find are talking heads yelling at each other on cable news and cynical, reckless partisanship paralyzing their government. This phony political conversation will not do when we need real change.

But Washington cannot seem to get out of its own way. That is why I will introduce legislation to end lobbyist abuses, reform the ways of the Senate, stop the outside influences of special interests, and put Washington to work for the people of Colorado.

First, we need to hold Congress accountable. We should freeze the pay and office budgets of every Member of Congress until we have four quarters of job growth. Our salaries and office budgets should not go up when the rest of the country is struggling. Members of Congress should lose their taxpayer-funded health insurance until we pass health insurance reform. If Congress cannot get its act together on health care, then the American people should not subsidize health care for Congress. That goes for Democrats and Republicans. It turns out the dysfunction in Washington is just another kind of pre-existing condition that allows the insurance companies to get their way.

Second, we need real lobbying reform that restores power to the voters. We need to ban Members of Congress from becoming lobbyists when they leave office. We need to do something about the revolving door between Congress and K Street. We need stronger rules and tighter standards for lobbyist registration and real penalties for those who break the rules. We need to end the corporate subsidy for Members of Congress who fly on corporate jets. Every Member of Congress should pay their fair share and disclose every person who is on the plane with them.

Third, real reform will not be complete without earmark reform. The people of Colorado pay taxes, and they deserve a government that works for them. I have no issue with Members of Congress fighting for projects they think are valuable for their States or for their districts. I am proud, for example, of the funding we secured for projects, such as the Arkansas Valley Conduit, which languished in the Senate since President Kennedy first promised it to the people of Colorado. But this funding should be done in the light of day, completely transparent and accountable, not behind closed doors, hidden from the American people.

Under my legislation, Members of Congress will be required to post every earmark request they receive and every request they make for funding. But we should not wait for the law to change. There is no reason to wait for the law to change. We can start doing this now.

Second, every earmark should be listed in earmarks.gov. The Web site should be easily searchable and user friendly.

Third, Members of Congress should be held accountable for their requests. Larger earmark requests should go before the Appropriations Committee, and we should end airdrops of earmarks in conference committee.

Finally, earmark recipients should be held accountable. This means randomly auditing earmarks every year and publishing the results for our constituents to see.

Next, we need to deal with the challenge of passing real campaign finance reform that reduces the outside influence of special interests. I intend to support the bill that Senator SCHUMER and Congressman VAN HOLLEN have put together, and I urge my colleagues to do the same.

Finally, we need to reform the institution of the Senate itself. The filibuster has been used in the Senate for quite some time. It has been used by the minority to slow down debate, have their voices heard, and, in some cases, stall legislation.

I would remind members of my own party that just the threat of a filibuster stopped the privatization of Social Security. However, during this session of Congress, the right to filibuster has been abused. It has become a normal part of business, a way to stall every piece of legislation and simply slow the Senate to a crawl.

Three months ago, we spent weeks debating the extension of unemployment benefits. The bill passed 98 to 0. The Senate has spent days, weeks, and sometimes months holding up nominees who passed with more than 90 votes. To add insult to injury, one Senator held up the entire Senate, preventing us from extending unemployment benefits and COBRA. The country deserves much better than that.

I will introduce legislation that reforms Senate procedure to encourage the two parties to work together to get things done. It will eliminate anonymous holds. If Senators want to single-handedly stop a nominee from being

approved, then they should have the courage to do so publicly.

It will introduce a new procedure to allow us to reduce the time of debate so we can move on legislation that has broad bipartisan support.

Third, it will eliminate the filibuster on the motion to proceed. It is one thing to try to block a piece of legislation; it is another thing to prevent it from even being debated in the first place.

Finally, my legislation would change the rules of the filibuster to force the two parties to actually talk to each other and not past each other. The President reminded us during the State of the Union that our job is not to get elected. I have heard the same thing from thousands of Coloradans in hundreds of living rooms and townhalls. It is easy to throw our hands up in the air and wait for someone else to make the big changes we need. But we all know the American people deserve better. I know the people of Colorado expect much more. They know the Senate needs a big dose of Colorado common sense.

I know this is not easy. I know there are 100 different reasons, maybe 1,000 different reasons. Some will say: We cannot get this done. But I also know our country needs a government that works for them. I hope my colleagues from both sides of the aisle will work with me and others to make sure we get it done.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET.) Without objection, it is so ordered.

AMENDMENT NO. 3337

Mr. SESSIONS. Mr. President, we have been talking about having a bipartisan effort to rein in spending and some of the things that we can do in that regard. So I am pleased to share a few thoughts today on the legislation that my Democratic colleague, CLAIRE MCCASKILL of Missouri, and I have offered that would ensure that we show some fiscal discipline in our spending habits.

It is not a dramatic change in what we should be doing and what I think we can do, but I think it is an action that would send a message to the financial markets in the world that we are beginning to get the message from our constituents that this recklessness and this kind of spending cannot continue.

Our legislation received bipartisan support last time. Fifty-six Senators voted for it, which is a pretty good number. But you do need to get 60 votes to pass the legislation. I think this time, with our new colleague from Massachusetts, we might be at 57 or 58, and at this point, I think others may be evaluating whether this is the kind of action they would like to support.

Let me take a minute or two to explain what our legislation attempts to do, how it can work, how it has worked in the past, and why this step is important. It would set a much firmer cap on spending. It would make it more difficult to enact spending levels that violate the budget. I wish to explain why it is something Members of both parties can support.

What we are talking about is moving beyond the budget caps that are only good for 1 year and take those budget caps, extend them for 4 years and make them statutory. It is not something that can't be changed. If there is an emergency, we can vote to change them. In fact, Congress can, with 60 votes, eliminate the whole statute and write a new statute, if we believe it is too severe. So Congress clearly would have the ability to act, if it chooses, to get around these limits on spending.

Back in the early 1990s, legislation was passed that put a statutory cap on spending. I have a chart I will show. It is kind of upside down in a way. This shows the deficits in the early 1990s. This is when we passed the legislation, the statutory cap on spending. The deficits went down until we hit surplus for 4 years in the late 1990s, early 2000.

Then this statutory cap expired. That is when deficits started going up, and they are continuing to rise. Last year's deficit was three times this amount from the year before—three times that amount—one thousand four hundred billion in debt last year, and it is expected to be one thousand five hundred billion in deficit this year, for 1 year. This is an unsustainable path.

This is a proven technique to gain control of spending. Why it was allowed to expire and not extended in 2002, I do not know. I know a number of people argued that it should be kept, and it was not.

Secondly, what is the cap? What would it be? The limit we would place on spending would be the amount President Obama asked for in his budget. It is 1 to 2 percent in the spending accounts. If you went above that, you would have to have a serious bipartisan vote of two-thirds to break that cap the President has set as the proper goal. Parenthetically, since the President submitted that budget, he has indicated he wishes to see a freeze on spending, on nondefense discretionary accounts, a flat freeze. I would be supportive of that. I would support the President in that. First, if we can get a hard limit on the 1 to 2-percent increase, we believe we will have done something worthwhile.

How would this work? If somebody came in and proposed spending levels that exceeded the specific budgetary limits as set by President Obama's budget, it could only be surpassed by waiving the statutory cap. That takes a two-thirds vote. This would have some teeth to it. We have gone back and checked. For the last 30 years and every time there has been an emergency, such an as an earthquake, an ice storm or a hurricane, the Congress has waived the budget and enacted emergency legislation with 90 votes, 100 votes, high 70 votes every single time. It is unlikely that we would see a genuine emergency not being promptly funded with emergency spending, if the Nation has to do that. I don't think that is a problem.

What we are saying is, when we have legislation come up that is not paid for, that is not accounted for, a person would be able to make a budget point of order and say: You should not have expended moneys at more than a 1-percent or 2-percent increase in this budget account, and I make a budget point of order. It would take a two-thirds vote of the Senate to waive it. It gives some real teeth to the President's budget, the same kind of teeth President Clinton had during his time in office, his or the congressional budget that was actually passed by the Senate and the House. That budget was enforceable. When it was enforceable, we achieved a surplus.

Let's be frank. It will be more difficult today to achieve a budget surplus than in the 1990s. We have a lot of different factors at work here. One of them is that the deficit is so much larger, and we have some real problems getting there. But we have to begin.

You say: Well, you have a budget. Why is this a problem? Why can't you use your budget point of order and stop spending and contain it through a rate close to inflation and lower rates than we have seen in the past?

It didn't work last year. This chart is the 2010 base increases in the year we are in today, the fiscal year 2010. It shows you how spending has increased. The chart I have does not include the breathtakingly huge $800 billion stimulus bill. Each one of these accounts got money out of that bill. I haven't even included those amounts. But look what we did the year we are in. The budget had levels below this, but eventually this is what we passed: Foreign operations, foreign aid, State Department got a 32.8-percent increase. Interior Department got a 16.6-percent increase. CJS, Commerce-Justice-State, is a 12.3-percent increase. THUD, Transportation, Housing and Urban Development, received a 23-percent increase. Agriculture received a 14.5-percent increase. Defense, the lowest one, received a 4.1-percent increase. All of these are well above the inflation rate.

What I am saying is, this is unsustainable. Every witness we have had at the Budget Committee hearing, Democrats and Republicans, Brookings and Heritage Foundation, all of them are saying: This is an unsustainable course. It has the potential to threaten our economy and our political future. One of the witnesses recently said: When you run up debts, such as we are doing today, and you get to the very top of the amount of debt this Nation can carry—and we are heading to that

direction—bad things can happen quickly, unanticipated. You have a serious collapse in Greece. The New York Times today reports real instability with regard to the Brits and their debt. If you think Greece has an impact on our economy because of their reckless spending, the British economy is far larger and would have an even greater impact. We are not far behind. In fact, in some ways we are ahead of the Brits in the amount of money we are spending and the amount of debt we are accumulating. We are threatening our economy, if we don't watch it, in a way that we can't anticipate.

There were some private prognosticators who predicted the dramatic events of 2007 and 2008, when we had the Wall Street collapse and the financial collapse. Some people saw the balloon that was rising and predicted bad things would happen. But none of our leaders did. Mr. Bernanke is supposed to be so great and they brag about him. If he is so smart, where was he when all that happened? Our people are suffering today because of bad decisions.

I have a simple view. That is, nothing comes from nothing, and nothing ever could. Everything you take today, somebody has paid for and bought. If you don't have the money today and you grasp something of value, somebody is paying for it. In our case, we are borrowing the money.

We can do better. We did better in the 1990s. We are not going to be able to slash spending in record amounts, but in some of our accounts, we absolutely could eliminate spending. Some of the government programs have been independently evaluated as being not worth the money we are spending on them. They should be ended. We should not be spending money on a program that doesn't produce a return worthy of the investment we are putting into it. Even if we call it a jobs bill, if we are going to help people have jobs, if it doesn't produce jobs, how can we spend money on it? We need to be more vigorous in analyzing it.

Please look at this amendment. A few more votes and we could have a bipartisan statement that we are going to stick by the budget we passed, the budget President Obama submitted. If the President comes in and helps us and we battle for it, maybe we can spend less than even this legislation would control. We could even reduce spending in certain accounts. I hope that is possible.

This isn't the final word, but it would send a message to the world, to Wall Street, and to our constituents that we hear their concerns. We are going to take firm steps. We are not going to be waltzing in here every week or two with some other bill that is not paid for and treating it as an emergency and increasing our debt.

I see Senator BUNNING. A lot of people didn't understand what it was he objected to with regard to the bill containing unemployment insurance. The legislation that came up essentially declared that this was an emergency, that we are going to spend another $10 billion on top of the budget amounts, and the budget would not apply to it. Every bit of that would have to be financed by borrowing on the world market. Senator BUNNING said: I am willing to support an unemployment insurance extension, but I wish to start paying for it for a change and end this cycle of increasing debt and the ease by which we go about it.

We are in a big battle right now. Let me say a bipartisan word about my legislation. Because there is so much intensity this year about our spending, Senator MCCASKILL and I have altered the legislation from the one we voted on a few weeks ago that got 56 votes, 17 Democrats voting for it. We have altered it so it begins next year. So we will have this fight this year and each bill will have its own battle. We will have our own votes over it, but it only applies to next year. I think that is a good-faith way to reach-out to our colleagues and say: Let's at least do that. Let's at least take the caps that we put in place as part of our budget, as part of President Obama's budget, and let's put them into effect. We will start it next year.

If we go above that and somebody has an idea of going above it, it won't be so easy. It will take a two-thirds vote to do so. So if you don't believe we ought to make it tougher to bust the budget, don't vote for it. But if you believe, as I think most constituents believe, we are showing too little fiscal discipline, then you should vote for it. It would give us a proven ability to contain spending and get us beginning on the right track.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 3360 AND 3361 TO AMENDMENT NO. 3336

(Purpose: To offset the cost of the bill)

(Purpose: To provide additional offsets)

Mr. BUNNING. Mr. President, I ask unanimous consent that the pending amendments be set aside so I can call up my two amendments which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes amendments numbered 3360 and 3361 to amendment No. 3336 en bloc.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendments are printed in today's RECORD under ''Text of Amendments.'')

Mr. BUNNING. Mr. President, anyone who has paid attention to the floor of the Senate for the last week knows what my amendments are about. I am offering Senators two ways to pay for this spending bill.

First of all, I would like to submit for the RECORD the CBO scoring of this current bill that is before us—both the scoring and the offsets. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBO Estimate of the Statutory Pay-As-You-Go Effects for the the American Workers, State, and Business Relief Act of 2010
Senate Amendment 3336, as introduced by Senator Baucus as a substitute for H.R. 4213
(based on legislative language MAT10192, March 1, 2010)

(Millions of dollars, by fiscal year) REVISED 1:00 pm, March 2, 2010

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010 - 2015	2010 - 2020
Net Impact on the On-Budget Deficit													
Total On-Budget Changes	56,532	75,524	-5,124	-4,993	-8,230	-4,877	-1,028	-671	-18	402	219	108,833	107,736
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians 1/	5,750	1,560	0	0	0	0	0	0	0	0	0	7,310	7,310
Designated as Emergency Requirements 2/	36,369	66,022	576	756	443	219	169	-1	-6	0	0	104,385	104,547
Statutory Pay-As-You-Go Impact	**14,412**	**7,942**	**-5,700**	**-5,749**	**-8,673**	**-5,096**	**-1,197**	**-670**	**-12**	**402**	**219**	**-2,863**	**-4,121**

Sources: Congressional Budget Office and Joint Committee on Taxation.

Notes: Positive numbers for "Net Impact on the Deficit" denote an increase in the deficit; negative numbers denote a decrease in the deficit.

Components may not sum to totals because of rounding.

These estimates are relative to current law; some of the estimates will change if any short-term "extension" legislation is enacted first.

1. Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

2. Section 701 of the American Workers, State, and Business Relief Act of 2010 would designate sections 201, 211, and 232 of the bill as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

Budgetary Effects of the American Workers, State, and Business Relief Act of 2010
Senate Amendment 3336, as introduced by Senator Baucus as a substitute for H.R. 4213
(Millions of dollars, by fiscal year)

REVISED 1:00 pm, March 2, 2010
(For March 1 legislative language: MAT10192)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2014	2010-2015	2010-2019	2010-2020
CHANGES IN REVENUES															
Title I—Extension of Expiring Provisions	-8,088	-13,029	-1,984	-1,040	-768	-441	-13	76	-182	-153	-108	-24,909	-25,350	-25,622	-25,730
Title II—Unemployment Insurance, Health, and Other Provisions	-5,034	-4,758	-1,242	-661	-443	-219	-169	1	6	0	0	-12,139	-12,358	-12,520	-12,520
Title III—Pension Funding Relief	60	405	832	853	597	447	347	137	-368	-831	-688	2,747	3,194	2,479	1,791
On-budget revenues	*60*	*345*	*688*	*693*	*483*	*366*	*286*	*120*	*-265*	*-617*	*-510*	*2,269*	*2,635*	*2,160*	*1,649*
Off-budget revenues	*0*	*60*	*144*	*160*	*114*	*81*	*61*	*17*	*-103*	*-214*	*-178*	*478*	*559*	*319*	*142*
Title IV—Offset Provisions	74	7,196	7,020	5,976	3,581	2,075	1,002	582	597	613	630	23,847	25,922	28,716	29,346
Title V—Satellite Television Extension	24	108	113	117	119	93	14	14	14	14	14	481	574	630	644
TOTAL CHANGES IN REVENUES 1/	**-12,964**	**-10,078**	**4,739**	**5,245**	**3,086**	**1,955**	**1,181**	**810**	**67**	**-357**	**-152**	**-9,973**	**-8,018**	**-6,317**	**-6,469**
On-budget revenues	*-12,964*	*-10,138*	*4,595*	*5,085*	*2,972*	*1,874*	*1,120*	*793*	*170*	*-143*	*26*	*-10,451*	*-8,577*	*-6,636*	*-6,610*
Off-budget revenues	*0*	*60*	*144*	*160*	*114*	*81*	*61*	*17*	*-103*	*-214*	*-178*	*478*	*559*	*319*	*142*
CHANGES IN DIRECT SPENDING (OUTLAYS)															
Title I—Extension of Expiring Provisions	3,214	1,360	0	0	0	0	0	0	0	0	0	4,574	4,574	4,574	4,574
Title II—Unemployment Insurance, Health, and Other Provisions															
Subtitle A—Unemployment Insurance	30,925	34,940	0	0	0	0	0	0	0	0	0	65,865	65,865	65,865	65,865
Subtitle B—Health Provisions	1,870	27,080	-550	150	110	90	80	80	70	70	70	28,660	28,750	29,050	29,120
Subtitle C—Other Provisions	1,808	430	67	24	1	0	0	0	0	0	0	2,330	2,330	2,330	2,330
Subtotal, Title II	34,603	62,450	-483	174	111	90	80	80	70	70	70	96,855	96,945	97,245	97,315
Title III—Pension Funding Relief	0	0	-60	-120	-180	-240	-120	-90	-30	90	150	-360	-600	-750	-600
Title IV—Offset Provisions	0	0	0	0	-5,260	-2,960	0	0	0	0	0	-5,260	-8,220	-8,220	-8,220
Title V—Satellite Television Extension	1	16	14	38	71	107	132	132	112	99	25	140	247	722	747
Title VI—Other Provisions—Medicare Payments to Physicians	5,750	1,560	0	0	0	0	0	0	0	0	0	7,310	7,310	7,310	7,310
TOTAL CHANGES IN OUTLAYS	**43,568**	**65,386**	**-529**	**92**	**-5,258**	**-3,003**	**92**	**122**	**152**	**259**	**245**	**103,259**	**100,256**	**100,881**	**101,126**
NET CHANGE IN DEFICITS FROM REVENUES AND DIRECT SPENDING															
NET CHANGES IN DEFICITS 2,3/	**56,532**	**75,464**	**-5,268**	**-5,153**	**-8,344**	**-4,958**	**-1,089**	**-688**	**85**	**616**	**397**	**113,232**	**108,274**	**107,198**	**107,595**
On-budget deficit change	*56,532*	*75,524*	*-5,124*	*-4,993*	*-8,230*	*-4,877*	*-1,028*	*-671*	*-18*	*402*	*219*	*113,710*	*108,833*	*107,517*	*107,736*
Off-budget deficit change	*0*	*-60*	*-144*	*-160*	*-114*	*-81*	*-61*	*-17*	*103*	*214*	*178*	*-478*	*-559*	*-319*	*-142*

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes:

Components may not sum to totals because of rounding.

1. Negative numbers denote a DECREASE in federal revenues; positive numbers denote an increase in revenues.

2. Positive numbers denote an INCREASE in the budget deficit; negative numbers denote a decrease in the deficit.

3. These estimates are relative to current law; some of the estimates will change if any short-term "extension" legislation is enacted first.

Mr. BUNNING. The first amendment is to use unspent stimulus funds and the second is by shutting down unnecessary or duplicate Federal programs. In other words, I am saying we should use money we have already set aside that has not been spent or eliminate wasteful spending to pay for the benefits that are in this current bill.

Over the last few days, many Senators on the other side of the aisle have come to the floor and said unemployment benefits are the best form of stimulus available. They say the families who are getting those benefits turn around and spend the money immediately. Well, if that is true, I cannot think of a better use of the money from last year's so-called stimulus bill. Why leave that money sitting around unused in a government account somewhere when those funds could get into the hands of people who need them the most and will put them into the economy right away? What is so sacred about the stimulus bill that we should keep that money sitting around until it can be spent later this year or next year or even in 2012 and beyond? Why not help the people now?

But for the Senators who think the stimulus money is so sacred that it cannot be touched, I am proposing another way to pay for this bill. Senator COBURN, my colleague from Oklahoma, has identified well more than $120 billion worth of savings from waste, fraud, and abuse. These savings include closing the Federal employee tax gap; that is, making sure all Federal employees pay all the taxes they owe, and stopping the payment of benefits to people and companies that are not entitled to those benefits.

The amendment would also be paid for by ending Federal programs that are no longer needed or duplicates of other government programs and making existing programs run more efficiently. I think the President's budget itself has hit on many of those programs he would like to see eliminated or partially eliminated. I think it is safe to call that wasteful spending, and I think the taxpayers who are footing the bill for those programs would agree.

Families all across America have to tighten their budgets when times get tough, and government should do the same. That is all I am trying to do with these two amendments.

I am sure some will accuse me of being against the programs in this bill. But the record should be clear by now that I support helping people in their time of need. In fact, every Member of the Senate who was able to make the votes last night supported extension of those benefits, either in my pay-for version or in the version that added to the debt. My amendments are not about whether we should extend these programs. No. My amendments are about whether we should pay for extending these programs or whether we should keep piling more debt on top of the $14 trillion-plus debt we have already. I think the answer is very clear.

Last night, I thought we had a deal worked out to give me an up-or-down vote on my amendment to pay for the short-term extender bill. Instead, one Senator raised a budget point of order against the amendment, and I expect someone will try to do the same thing today with my amendments. That was her right as a Senator, but it is certainly not within the spirit of the agreement I tried to reach to find a way forward on these important programs.

But I think the larger question raised by that move is, What are the 53 Senators who voted to block my amendment afraid of? Are they afraid the Senate might pay for something we do? Are they afraid we might take a step toward balancing the Federal budget? Are they afraid we will bring Washington spending, which is out of control, just a little bit under control and live under the same rules as ordinary American families?

Is it too much to ask that we pay for what we spend? Last night, 53 Senators said yes, it is too much to ask for. But I think it is not. Today, every Senator will have an opportunity to join me in saying it is not too much to ask or they can vote against my amendments and add another $100 billion-plus to the national debt. That is the emergency spending in this present bill—over $100 billion. So that goes onto the bottom line of the Federal debt.

I urge every Senator to vote for my amendments to pay for this spending, to put away the taxpayers' credit card, and to put an end to the debt madness. I have examples of those spending rescissions.

As an example, there is $245 million from congressional office budgets, to end some of the perks congressional leadership and congressional offices have; to end the Forest Service Economic Action Program, $5 million. I think the President put this in his budget. The program duplicates an existing USDA program—Urban and Community Forestry—that has been poorly managed.

Another is to end the Public Telecommunications Facilities Grant Program, $18 million. I am positive this was in the President's budget. This program is intended to help public broadcasting stations construct telecom facilities. Since the transition to digital broadcasting has been completed, there is no more need for this program.

On down the line—end HUD's Brownfields Economic Development Initiative, $17 million; reduce the historic preservation services within the Interior Department by $55 million. This is a grant program duplicated by other programs at the Interior Department.

This is one I am very familiar with because when I was in the House, we thought this was a necessary program to put our economic footing on foreign soil, the same as other foreign-based companies did when they came to America. End the Overseas Private Investment Corporation, $52 million. The Overseas Private Investment Corporation loans private U.S. companies funding for foreign investments and insurance. The U.S. Trade and Development Agency does the very same thing.

Another is to eliminate $28 million in the Department of Transportation that has been directed at transportation museums—museums. I do not think we should be building new museums with Department of Transportation funds. I think we should be building roads.

Those are just a few examples of some of the rescissions I would like to see in the second amendment I have offered today. I think there will be ample time to discuss these later on, but I wanted to make sure we offered these amendments early on so we could have a good and thorough debate on these programs as this bill proceeds through the Senate.

I thank the Presiding Officer and yield the floor.

AMENDMENT NO. 3356

Mrs. MURRAY. Mr. President, I rise this morning because I am offering an amendment on youth summer jobs that will build on and extend the extremely successful summer jobs program we included in last year's Recovery Act. Last summer's program put over 313,000 young people to work and provided a much needed shot in the arm to them, their families, and businesses and communities around the country. I have personally heard stories from young men and women who participated in the program who told me how much it changed their lives and gave them the skills and the experience they know they need to exceed in school and in the workforce. That is why, while we are focusing on legislation that will support unemployed Americans and help workers get back on the job, we should also continue investing in a successful program that helps our young people get to work.

The amendment I am offering today will provide $1.5 billion through the Workforce Investment Act to create 500,000 temporary jobs for young people across the country. It will invest in critically needed employment and learning programs that will help stimulate our local economies while providing meaningful short-term work and learning experiences for the young people who really need it the most.

In addition to the summer jobs program, this amendment also supports year-round employment and longer term efforts to help our young people obtain a postsecondary degree or credential.

Growing up, I had every different kind of summer job you can ever imagine. I started out working in my father's five-and-ten-cent store on Main Street in Bothell, and, along with my brothers and sisters, I did everything from stocking the shelves, to working the cash register, to sweeping the floor. Later on, I worked at a summer job at Sacajawea State Park in Pasco, where

I did weeding, kept the restrooms clean, and helped make the park presentable. One summer, I answered phones at a glass company in my hometown of Bothell. I also, one summer, worked at a psychiatric ward at the VA during a summer in college.

Looking back, I can tell that each one of those jobs I held as a young person helped me in a very unique way. Each one of them taught me skills and lessons I have been able to use throughout my life. Those jobs taught me everything from the value of hard work to the daily challenges of running a small business, how to dress and act in a professional work setting, but, most of all, those jobs helped me be exposed to new experiences and new people and new challenges. In fact, my time working at the Seattle VA that summer gave me an appreciation of our veterans and health care workers that has driven me to fight for them every single day I am in the Senate now.

It is not just me. Summer jobs have been proven to teach skills and life lessons for everyone. Studies have shown that people who get early work experience as teenagers make more money as adults. In fact, early work experience has been shown to raise earnings 10 to 20 percent over a lifetime.

However, as we all know, today teens are finding it especially difficult to find a job. Over the past 2 years, the number of employed teens in the United States has declined by nearly 25 percent, and their overall employment rate fell to a new post-World War II low of 25 percent by the end of last year, more than 18 percentage points below the rate in 2000. In fact, the total proportion of young people who were employed last July, the traditional peak time for youth jobs, was only 51.4 percent. That is the lowest July rate on record.

Today, with families who are cutting their spending so they can pay their bills and businesses having to freeze hirings so they can pay theirs, that means even fewer jobs for young people today.

I don't think we should forget teen jobs will help stimulate our local economies because, as anybody who has had a teenager at home knows, young people are a lot more likely to spend their paychecks in their communities than pocket them. When a young person does, in fact, save their wages, oftentimes they are saving for college or making a critical contribution to their families in this very difficult time.

Sometimes I hear people talk about these big national programs and too often forget there are real people being impacted, real families being helped, and real young people being offered such an important helping hand. I wished to share with everyone a story about what this funding meant for a program in King County, WA, last year for a young man who had the opportunity to participate because of the funding we provided last year.

Back in 2007, King County was able to provide 200 local youth jobs for that year. They were able to provide about the same number—200 or so—in 2008. Then, last summer, with the funding we secured for them in the Recovery Act and under the leadership of a great CEO, Marlena Sessions, they were able to provide 900 young people with summer work experience. Nine hundred young people in King County last summer had the opportunity to productively engage in their community and avoid that high risk in criminal activity we worry about and, importantly, learn the 21st century skills employers value, such as critical thinking and teamwork and problem solving and communication.

One of those participants in King County was a young man named Ryan. He spent his summer last year working at a maritime supply company in Seattle, a company called Washington Chain. Ryan had gotten into a lot of trouble in his life in the past. He was actually on work release from prison. He didn't have many of the skills employers are looking for in employees, so he went out and applied for job after job, fast food restaurants and more of the same. He actually put out 200 applications in total without a single one willing to take a chance on him after they found out about his record.

Well, Ryan heard about the Seattle King County Summer Jobs program, and you know what. It changed his life. Ryan was accepted into a program that was a partnership between a youth service provider and a community college. He spent 3 weeks in class, followed by 3 weeks in a paid internship at Washington Chain. The company wasn't planning on hiring any new full-time employees, but at the end of last summer, this experience changed Ryan so much and they were so impressed with Ryan and his work capability that the company found a full-time job for him. It was a real job for Ryan, with a decent salary and good benefits and a future. For the first time in his life, Ryan was able to take pride in his work and finally support himself and his young children.

After the program was over, Ryan said the program was ''one of the best things that ever happened to me.'' His boss at Washington Chain said the company was lucky to find Ryan. He said Ryan had been ''willing to do just about everything we have asked him.''

The summer jobs program we passed last year gave Ryan and many more like him an opportunity they would not otherwise have had. It is a new lease on life for him, and doors opened to him that had always been closed to him. Ryan is far from alone. There are hundreds of thousands of young people around the country whose lives were changed by the experiences they had last summer.

So if this amendment I am offering today passes, there will be 500,000 more by this time next year. Five hundred thousand young people will be providing much needed services in hospitals and daycare centers, in senior centers, in parks, in public and in private organizations, staying off the streets, helping their communities, gaining the skills and the experiences they need to put them on a better path to success in school and life. Yes, by the way, they will be spending those paychecks and contributing to our economic recovery.

I urge our colleagues to support this amendment. The underlying bill we are considering today is going to help millions of families across the country who need some help right now getting back on their feet. This amendment will help young people across this country start their professional lives by firmly planting them on moving toward a successful, productive, and fulfilling career. I hope all our colleagues take the time to think back and think about what happened to them and people they know in their lives, where they had a summer job experience that helped set them on a path they may have never thought available to them and that it is our responsibility, in this Chamber, to now provide that same opportunity for young people who are following in our footsteps.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, first, I wish to thank Senator THUNE. He gave me permission to speak before him. I will be brief in my strong support for the Murray amendment to provide $1.5 billion for youth jobs programs through the Workforce Investment Act for summer and year-round employment.

This amendment will help create up to 500,000 temporary jobs for young people.

We know the youth jobs program works. Funds included in the Recovery Act for youth jobs provided over 300,000 young adults with employment opportunities last summer, stimulating local economies all across the country. Young adults who work not only help supplement family incomes, they also spend the money they earn in their communities. According to the Northeastern University Center for Labor Market Studies, every dollar earned by a young adult returns $3 to the local economy.

Youth jobs programs also help disadvantaged young adults become active members of their communities.

The many local workforce investment groups in my State of California not only provide disadvantaged young adults with short-term employment, they also offer job training and mentoring programs, help them advance their careers with educational opportunities, and teach critical life skills.

We also know right now there are not enough work opportunities for teens and young adults. The unemployment rate for 16- to 19-year-olds is above 25 percent. For 16 to 19-year-old African Americans, the unemployment rate is

nearly 50 percent. Youth jobs programs help keep our kids off the streets, which is important to all our communities.

I wish to highlight one of the many Recovery Act youth jobs success stories in California. The Placer Herald reported that last summer the Golden Sierra Investment Board worked with 23 disadvantaged teens in Rocklin, CA, to construct a permanent storage facility at a local high school. The participants helped design the facility using computer design technologies. They built the mainframe, painted and drywalled and installed solar lighting. Without Recovery Act youth job funds, this program wouldn't have been possible.

I ask unanimous consent to have printed in the RECORD the article from the Rocklin, CA, Placer Herald. It is a wonderful story about the high school students taking on this building project.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Placer Herald, July 30, 2009]

HIGH SCHOOL STUDENTS TAKE ON BUILDING PROJECT

(By Lauren Weber)

With a little strength, time and sweat, a group of youth from Rocklin have created a permanent structure for Whitney High School.

It took more than 200 hours of service, but 23 teens built a 24-by-48-foot storage center to house the ground's equipment for the school. The hands-on project had the students framing the structure, installing solar lighting, putting up dry walls and painting the exterior green.

''They really did this from the ground up,'' said Sherry Mauser, Whitney High School assistant principal.

Mauser oversaw the process and was instrumental in getting the $25,000 grant that funded the project. She contacted Golden Sierra, an employment and training service for people in Placer, Alpine and El Dorado counties and a partnership was formed.

Sharon Williams, a summer youth coordinator for Golden Sierra, said President Barack Obama's stimulus project gave money for summer programs.

''They encouraged the agencies to get bids on either in-school projects or some of our projects are out-of-school projects,'' Williams said.

The grant went toward the purchase of materials, safety equipment like hard hats and salaries for the adults on-site, Mauser said. The district also contributed some money from their facilities fund for the construction of a larger building.

The teens are paid as well and for many it was their first job.

''It's been a real learning project for these kids,'' Williams said.

Williams was on-site to also oversee that child labor laws were upheld, such as no one under 18-years-old on the ladder.

Many of the students, both from Rocklin and Whitney high schools, had never taken on construction jobs before. But with a little assistance from experts, they became knowledgable in Computer-Aided Design drawings, how to put up dry wall and build the frame.

Kyle Balance, 19, and a recent Whitney High School grad, said his favorite aspect of the project was the framing and said he was impressed with how quickly it went up.

Rocklin High School junior Alessio Alba said he enjoyed the more computer-related aspect.

''I liked using the CAD system,'' he said.

The group came up with computer drawings, which paved the way for the beginning of the project in June.

From start to finish, the students were deeply involved, Mauser said.

''Everybody worked as a team on this one,'' she said.

Last week, the students were in the last stages, finishing up the drywall and getting ready to paint the interior. Whitney High School student Mike Mello said although he'd never been part of a construction project, it is something he has enjoyed.

''This is fun,'' he said. ''I like working with my hands, being out in the field.''

Rocklin High School student John Wong has a four-mile commute on his bike to get to the project site everyday, but has been dedicated, Mauser said.

His father owns a door company, so he's been around construction before and may pursue a career in the construction field, he said. This hands-on opportunity may have aided his future career.

Construction of the space was complete Wednesday and the students will be recognized at the Rocklin Unified School District school board meeting Aug. 5.

Mrs. BOXER. So this amendment is very important. As our economy continues to recover, we all know jobs are lagging. We need to do all we can to try to replicate what happened in Rocklin, CA.

When you give a young person opportunity, a job opportunity, I think it stays with them the rest of their life. I remember the jobs I held when I was a teenager. One gave me a sense of self that I could help the company I was working for. I did many different jobs as a youngster in the summer. I was very fortunate to have that experience that I brought to other jobs later in my career.

So this amendment will create up to 500,000 summer jobs. It will strengthen local economies.

I do thank Senator MURRAY and the other cosponsors in the Senate. In closing, I wish to acknowledge Congresswoman BARBARA LEE and the Congressional Black Caucus, who are leading the fight in the House to support critical youth job programs for our disadvantaged young people. When I talked to Congresswoman LEE, she said: BARBARA, can you do something in the Senate. I remembered Senator MURRAY had this bill, and I called Senator MURRAY. We have this amendment here. I think the fact that it has been offered early in this bill is good because this is something we can do for our young people. They want so much to get job experience. They are struggling so much in this recession.

I wish to congratulate Senator MURRAY and the other cosponsors. I hope we have strong bipartisan support for this amendment.

Again, I thank Senator THUNE for allowing me to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3338, AS MODIFIED

Mr. THUNE. Mr. President, I have an amendment I introduced yesterday at the desk and I have some modifications to it which are also at the desk. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the end, insert the following:

TITLE ——ADDITIONAL BUSINESS TAX RELIEF

Subtitle A—General Provisions

SEC. —01. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) PERMANENT INCREASE.—Subsection (b) of section 179 is amended—

(1) by striking ''$25,000'' and all that follows in paragraph (1) and inserting ''$500,000.'',

(2) by striking ''$200,000'' and all that follows in paragraph (2) and inserting ''$2,000,000'',

(3) by striking ''after 2007 and before 2011, the $120,000 and $500,000'' in paragraph (5)(A) and inserting ''after 2009, the $500,000 and the $2,000,000'',

(4) by striking ''2006'' in paragraph (5)(A)(ii) and inserting ''2008'', and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''and before 2011''.

(c) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2008.

SEC. —02. EXTENSION OF ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k), as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking ''January 1, 2011'' in subparagraph (A)(iv) and inserting ''January 1, 2012'', and

(2) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''.

(2) The heading for clause (ii) of section 168(k)(2)(B), as so amended, is amended by striking ''PRE-JANUARY 1, 2010'' and inserting ''PRE-JANUARY 1, 2011''.

(3) Subparagraph (D) of section 168(k)(4) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2011' shall be substituted for 'January 1, 2012' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2010' shall be substituted for 'January 1, 2011' each place it appears in subparagraph (A) thereof.''.

(4) Subparagraph (B) of section 168(l)(5), as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(5) Subparagraph (C) of section 168(n)(2), as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(7) Subparagraph (B) of section 1400N(d)(3), as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

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

SEC. —03. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

''(a) EXCLUSION.—

''(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include the applicable percentage of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent, in the case of stock issued after August 10, 1993, and on or before February 18, 2009,

''(B) 75 percent, in the case of stock issued after February 18, 2009, and on or before the date of the enactment of the American Workers, State, and Business Relief Act of 2010, and

''(C) 100 percent, in the case of stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.

''(3) EMPOWERMENT ZONE BUSINESSES.—

''(A) IN GENERAL.—In the case of qualified small business stock acquired after December 21, 2000, and on or before February 18, 2009, in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (2)(A) shall be applied by substituting '60 percent' for '50 percent'.

''(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

''(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

''(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 1202 is amended by striking ''**PARTIAL**''.

(B) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 is amended by striking ''Partial exclusion'' and inserting ''Exclusion''.

(C) Section 1223(13) is amended by striking ''1202(a)(2),''.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—Paragraph (7) of section 57(a) is amended by adding at the end the following: ''The preceding sentence shall not apply to stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.''.

(c) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) is amended by striking ''paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000'' and inserting ''the amount under paragraph (1)(A) shall be half of the amount otherwise in effect''.

(d) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) is amended by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000''.

(e) INFLATION ADJUSTMENTS.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2010, the $15,000,000 amount in subsection (b)(1)(A), the $75,000,000 amount in subsection (d)(1)(A), and the $75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000,000 such amount shall be rounded to the next lowest multiple of $1,000,000.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (c) and (e) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. —04. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

''(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

''(A) 9 percent of the lesser of—

''(i) the qualified production activities income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year, and

''(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

''(i) the eligible small business income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year.''.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

''(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

''(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term 'eligible small business' means, with respect to any taxable year—

''(A) a corporation the stock of which is not publicly traded, or

''(B) a partnership,

which meets the gross receipts test of section 448(c) (determined by substituting '$50,000,000' for '$5,000,000' each place it appears in such section) for the taxable year (or, in the case of a sole proprietorship, which would meet such test if such proprietorship were a corporation).

''(2) ELIGIBLE SMALL BUSINESS INCOME.—

''(A) IN GENERAL.—For purposes of this section, the term 'eligible small business income' means the excess of—

''(i) the income of the eligible small business which—

''(I) is attributable to the actual conduct of a trade or business,

''(II) is income from sources within the United States (within the meaning of section 861), and

''(III) is not passive income (as defined in section 904(d)(2)(B)), over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such income, and

''(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

''(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

''(i) Any income which is attributable to any property described in section 1400N(p)(3).

''(ii) Any income which is attributable to the ownership or management of any professional sports team.

''(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

''(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

''(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.''.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

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

SEC. —05. NONAPPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT.

(a) TAX-FAVORED BONDS.—Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is hereby repealed.

(b) STIMULUS PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, subchapter IV of chapter 31 of title 40, United States Code, shall not apply to any project funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the American Recovery and Reinvestment Act of 2009.

(2) CONFORMING AMENDMENT.—Section 1606 of division A of the American Recovery and Reinvestment Act of 2009 is hereby repealed.

(3) EFFECTIVE DATE.—This subsection shall apply to contracts entered into after the date of the enactment of this Act.

Subtitle B—Transfer of Stimulus Funds

SEC. —11. TRANSFER OF STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111–5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues and the amount of any net increase in spending resulting from the enactment of this Act.

Mr. THUNE. Mr. President, I also ask unanimous consent that Senators BENNETT and ROBERTS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, yesterday, one of my colleagues criticized me for trying to redirect unspent stimulus funding to pay for tax relief for small businesses by citing all the jobs the stimulus bill supposedly created. I, as many people do, have my doubts about some of these estimates, but I can guarantee this much: none of these jobs have been created or saved by the unspent funds.

There is a lot of money in the stimulus bill that has yet to be spent, according to recovery.org, which is the

administration's Web site. About 38 percent of the stimulus money approved last year out of that $1 trillion amount—round numbers—has been spent. So there is a lot of unspent and unobligated money.

Frankly, many of us, at the time it passed last year, suggested it would be a much wiser use of those funds if we directed those toward small businesses. Small businesses are the creators of jobs in our economy. They create two-thirds of the jobs. They are the economic engine that drives the economy in this country. Ironically, less than 1 percent of that $1 trillion that was approved last year in stimulus funding was directed at incentives for small businesses to create jobs. We put money into all kinds of other things which, to date, have shown little evidence that any jobs have been created. It seems to me, at least, and the argument that was made at the time by many of us, was that allowing or creating more of these incentives, putting more policies in place that would incentivize small businesses to create jobs would have been a much better use of stimulus money.

What my amendment very simply says is, of those unspent, unobligated funds—and that universe of funds represents about $160 billion that has not only not been spent but not obligated—we use some of those funds to do what we should have done in the first place; that is, to create incentives for small businesses to hire new people, to put people back to work, and to make capital investments.

I take issue with what was said on the floor yesterday, that somehow my amendment was going to cut the Economic Recovery Act short. It doesn't do that at all. In fact, what this does is simply say those funds that have not been spent, not been obligated in the stimulus bill that was passed last year, be redirected toward these particular provisions that will provide incentives for small businesses to create jobs. Very simply, what are those? It extends by 1 year the bonus depreciation that allows small businesses to accelerate the way they write off equipment purchases; accelerated depreciation schedules so they can take more of that cost upfront as a deduction.

It also makes permanent the section 179 deduction and increases that as well so that small businesses are able to expense more of those types of investments—again, an incentive for them to invest more, hopefully to create jobs.

It eliminates the capital gains tax on investment in small businesses. By the way, that is something the President, in his State of the Union speech, came out in support of. So this is something the White House has already endorsed.

Finally, it provides for a 20-percent deduction for small businesses against their income. Why is that necessary? Many small businesses, and, in fact, half of small business income, we are told, when tax rates go up next year would be subject to that higher tax. If a small business that passes through their income to their individual tax return is currently paying at the 33-percent tax rate, they are going to see that tax rate go up to 36 percent of that income. If they are currently paying at the 35-percent tax rate, they are going to see their tax rate go up to 39.6 percent starting next year, in 2011. This allows them to take a 20-percent deduction against their income that will help in some ways limit or mitigate the impact of the higher tax rates that they will be subject to beginning in 2011.

Again, I think it is a fairly straightforward amendment, and I simply argue, again, to my colleagues that it makes sense for us, in my view, to be making investments, be putting policies in place that will incentivize job creation in this country, and that job creation, again, occurs in the private economy with small businesses.

Small businesses, we are told, create two-thirds of the jobs in our economy and, in fact, about half of the people in this country who work, who are employed currently, work for small businesses. They have a tremendous impact on our economic well-being, on job creation.

It is important, in my view, that we take steps here that will add to the ability of our small businesses to get out there and do what they do best; that is, make investments and create jobs.

I take issue with what was said yesterday about this amendment: that it would cut short the Economic Recovery Act. It does not do that at all. These are not funds that have currently been spent or obligated. These are funds that are unspent, unobligated out of the $1 trillion bill passed last year which, as we all know, to date has not created the jobs promised. In fact, since the bill passed last year, we have lost 2.7 million jobs in our economy.

I think, frankly, one of the reasons for that is it was misdirected in the first place. We should have been focused on job No. 1, and that is helping those job creators in our economy, which are small businesses.

I want to point out that the National Federation of Independent Business, which is the largest trade organization representing small businesses in this country, at least the largest small business advocacy organization, has written a letter in support of my amendment. I want to read one paragraph from that letter. It says:

> The Thune amendment is a necessary step in helping to provide more certainty to small businesses about their future tax liability, whether to make long term capital expenditures, and hire more workers. We hope this amendment will provide momentum to clear other obstacles in the path to job creation.

I guess what I would say by way of closing is that although there is a great debate here about how best to create jobs, I think we can all agree a lot of the $1 trillion stimulus bill that passed last year has not been spent. The argument that it would be timely, targeted, and temporary, I think all of those criteria have not been met. More important, the ultimate metric by which I think we judge whether it has been a success or not has not been met either, and that is job creation.

Look at the economy today. Unemployment stands at 9.7 percent. The commitment made when the bill was passed a year ago was that if we pass this stimulus bill, we will hold unemployment below 8 percent. We know it is well past that.

If you look again at the job numbers and the number of people in this country still looking for work, still struggling, still struggling with the loss of income, the best thing we can do is get them back to work, and the best way to do that is not to create jobs in Washington, DC, or invest in government programs; it is, frankly, to get the small businesses in our economy, the creators of jobs, the engine that drives this economy forward, liberated in a way, providing certainty with regard to tax policy so they know that in 2011, when their tax rates go up—at least those who pass their income through their individual tax return—they are going to have some relief, allowing some relief with regard to capital gains taxes by exempting small business investment, allowing for bonus depreciation so they can write off business purchases, and increasing section 179 expensing, that deduction that currently exists in the Tax Code making that permanent.

Those are all steps, small steps, but at least important steps, in my view, that will move this economy forward and do what I think many of us want to see done; that is, create the conditions and the economic climate where jobs can be created where we get people back to work.

We are going to have a vote on this amendment this afternoon. Again, my colleagues who were debating an underlying bill that has tax extenders, COBRA extension, unemployment benefits extension—all of those sorts of things, all of which I understand are important, particularly right now when we have a lot of people who are out of work. But, again, the best remedy we can offer to the American people is to create jobs and get people back to work. That will make it less necessary for us to act on the legislation we have to act on today that addresses all the economic dislocation and hurt the American people are experiencing as a result of this economy.

A year ago when this stimulus bill passed, less than 1 percent of the money was directed toward small businesses. We can fix that today with this amendment by directing these tax incentives, using unspent, unobligated stimulus money to do it. It is all paid for. It is all offset. It does not pass debt to future generations. It does not add to the deficit. It is all paid for. It puts the money where it should have been

put in the first place and directs it in a way that will be adding to job creation in this country.

I ask my colleagues to support this amendment. I think it will be voted on in a couple of hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I will offer an amendment to the pending legislation, amendment No. 3342. It is my intention to call up that amendment after the votes on the pending amendments this afternoon, but I would like to take a few minutes to explain to my colleagues the nature of this amendment and why I believe it is important.

This amendment basically says if you are an executive at one of the companies that received more than $5 billion in the TARP bailout, the financial bailout that occurred when we began our economic crisis, and if you receive in addition to your compensation a bonus in excess of $400,000, then that amount above $400,000—which is the approximate compensation of our President—will be taxed at 50 percent, and the amount it is taxed will be returned to the American taxpayers for deficit reduction.

It is a very simple amendment. It is a one-time amendment based on a unique situation in this country when the American taxpayers had to bail out our major companies in order to stabilize our economy.

This is not class warfare. It is not a continuing windfall profits tax. But I believe it is very proper for us to institute this on a one-time basis. Estimates we have had, when I offered this amendment as independent legislation a short while ago, along with Senator BOXER, were that you could recoup in the neighborhood of $10 billion back into our economy by this very fair tax assessment.

I want to go back to two opinion pieces that have been written over the last couple of years from people with great standing in the financial community and great philosophical differences. Then I want to remind my colleagues the process we had to enter into when the TARP legislation was first voted on.

On July 14, 2008, Paul Krugman, a Nobel Prize-winning economist, wrote a piece in the New York Times. I came to the floor at that time and quoted from his piece. He was talking about the beginning of what became our crisis, and he made the point:

It's the belief of investors—

He was talking at this point about the situation with Fannie and Freddie, to quote from his article.

It's the belief of investors if they fail, the federal government will come to their rescue.

Then he wrote:

The implicit guarantee means that profits are privatized while losses are socialized.

What he meant by that and what we actually have seen play out as our economy, thankfully, has begun to recover is, with the situation we entered into with TARP, risk was socialized. That means the average worker in this country—the person out there driving a truck, the nurse working in a hospital, the people doing the day-to-day work—had to put their tax dollars in to stabilize these banking systems, but the reward from the stabilization has become personalized to the executives who were running these companies, who then have benefited through these large bonus systems once our economy began to stabilize.

It is my strong belief, as someone who is a supporter of people who are willing to take risks and create the right kind of environment for growth in our economy, that they should be happy once they have reached a point where they have been compensated and they have had a $400,000 bonus. They should be happy to take the money beyond that $400,000 bonus and divide it up with the average worker out here who may not even own stock who had to put their tax dollars in to stabilize the economy.

The second article I would like to quote from is from the Financial Times which, as all of my colleagues will recognize, is one of the most conservative newspapers in the world when it comes to capitalist enterprise, risk taking, rewarding the people who get out and lead in our business sector.

Martin Wolf wrote an editorial on November 19, 2009, not that long ago. I ask unanimous consent to have printed in the RECORD the entire article after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEBB. Mr. President, Martin Wolf said this:

Windfall taxes are a ghastly idea. . . . No sensible person should support them. So why do I now find the idea of a windfall tax on banks so appealing? Well, this time, it really does look different.

Mr. Wolf goes on to point out:

Ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. . . . The public finances will be devastated for decades: taxes will be higher and public spending lower. Meanwhile, bankers are about to reap huge rewards. This damages the legitimacy of the market economy.

Mr. Wolf went on to support the very concept I am putting on the table today; that is, a one-time windfall profits tax on moneys that were earned in 2009 when this American taxpayer rescue of our financial system occurred, when earnings that occurred through work in 2009, which are paid in 2010—this is not a retroactive tax; one shot, balance the playing field and reward the people who stepped forward to help save our economy.

Sometimes it is hard for us to remember the circumstances that took place when we were asked to vote for TARP back in September of 2008 because so much has happened to our economy and to the debate in this country since then. But we should remember that in September of 2008, Secretary Paulson and Chairman Bernanke put us all on a conference call. They told us if we did not put $700 billion of taxpayer money into a program to assist our major Federal financial institutions that the world as we knew it economically was going to fall into cataclysm. We voted in support of this $700 billion—I voted for it—in order to help these financial institutions solve the problems, undo their systems of bad assets—which had taken place, quite frankly, through a lot of bad judgment in their leadership—free up our economic system and get credit going again. And we did it with the explicit understanding that it was the American taxpayers who were putting the money in and who, when the system righted itself, would get their money back. So this one-shot deal is designed to help do that.

It is fair to all parties. It allows the executives in these 13 companies that received more than $5 billion each of taxpayer money to still reward their executives and at the same time share these profits, or these benefits that go beyond a $400,000 bonus, with the people who basically pulled their fat out of the fire.

I hope we can get a vote on this amendment. I trust my colleagues will understand the care with which it was designed and the equity we are trying to deal with.

I yield the floor.

EXHIBIT 1

[From the Financial Times, Nov. 19, 2009]

TAX THE WINDFALL BANKING BONUSES

(By Martin Wolf)

Windfall taxes are a ghastly idea. They are a sop to prejudice, a burden on risk-taking and a form of arbitrary confiscation. No sensible person should support them. So why do I now find the idea of a windfall tax on banks so appealing? Well, this time, it really does look different.

First, all the institutions making exceptional profits do so because they are beneficiaries of unlimited state insurance for themselves and their counterparties. As Andrew Haldane of the Bank of England argues, the state has ''become the last resort financier of the banks''. In the UK, total support amounted to a staggering 74 per cent of gross domestic product. These must be the largest business subsidies ever.

Second, the profits being made today are in large part the fruit of the free money provided by the central bank, an arm of the state. The state is giving the surviving banks a licence to print money.

Third, the case for generous subventions is to restore the financial system—and so the economy—to health. It is not to enrich bankers, particularly not those engaged in the sorts of trading activities that destroyed the financial system in the first place.

Fourth, ordinary people can accept that risk takers receive huge rewards. But such rewards for those who have been rescued by the state and bear substantial responsibility for the crisis are surely intolerable. What makes them yet more so is that the crisis has devastated the prospects of tens, if not hundreds, of millions of innocents all over

the globe. The public finances will be devastated for decades: taxes will be higher and public spending lower. Meanwhile, bankers are about to reap huge rewards. This damages the legitimacy of the market economy.

Fifth, it is hard to argue in favour of exceptional interventions to bail out the financial sector at times of crisis, and also against exceptional interventions to recoup costs when the crisis is past. ''Windfall'' support should be matched by windfall taxes.

Finally, these are genuine windfalls. They are, as George Soros has said, ''hidden gifts'' from the state. What the state gives, the state is entitled to take back, if it is not used for the state's purposes.

So the question, in my mind, is not whether a windfall tax can be justified but whether it can be designed successfully. All taxes have unintended consequences. One must be particularly careful with this one.

Since the aim of policy is to recapitalise the banks, the tax should not reduce their ability to do so. It would be far better then to impose a tax on contributions made to the bonus pool. There is no public interest in such payments. Since it would be a one-off event, it should not affect incentives (unless banks plan to create systemic crises every few years). If the tax applied to all banks operating within a given jurisdiction, it would not affect competitiveness among them. The case seems strong—even more so if the tax could be implemented across major jurisdictions, simultaneously.

Yet windfall taxes cannot contain financial excess, precisely because their goal is not to affect incentives. So what is to be done?

As Mr. Haldane notes, we have seen ''a progressive rise in banking risk and an accompanying widening and deepening of the state safety net''. As the liabilities of the banks have become ever more socialised and so equity cushions have become increasingly redundant, the incentive for both limited liability shareholders and employees to game the taxpayer has risen greatly. It is rational for banks to choose risky strategies because they take the upside and taxpayers much of the downside.

Over the past half century, UK bank capital has remained at between 3 per cent and 5 per cent of assets, these assets have risen tenfold, relative to GDP, and returns on equity have averaged 20 per cent. Such high returns, in an established industry, must mean either high barriers to entry or excessive risk-taking. The former are undesirable and the latter terrifying, particularly in view of the huge rise in the state's exposure to the risks.

We will never have a better opportunity than now to redress the deteriorating terms of trade between the banks and the state. A big part of the solution must be to shift incentives. The more credible are the pre-announced limits on support from government, the more effective will be the changes in incentives inside banks, and vice versa. The less we are able to shift these incentives, the more important it will be to impose heavy regulation. The combination of today's incentives with today's safety nets and yesterday's ''light touch'' regulation was devastating.

Yet, regardless of the success of reforms of incentives in—and regulation of—the financial sector, it is reasonable to recoup not only the direct fiscal costs of saving banks but even some of the wider fiscal costs of the crisis. The time has come for some carefully judged populism. A one-off windfall tax on bonuses would make the pain ahead for society so very much more bearable. Try it: millions will love it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to thank Senator WEBB for offering this amendment, which is the same text as our bill that we introduced about a month ago. I think Senator WEBB has made an excellent case for this very important amendment which will reduce the deficit. It is an amendment that I believe reflects fairness and justice and the American way.

In 2008 and 2009, the financial sector, as well as the automobile industry, received generous and unprecedented aid from taxpayers. It was done in order to stave off another Great Depression. It was a tough vote to make, and we did it because we believed we were on the brink of another Great Depression and, frankly, a financial collapse. If we remember back to those days, credit was frozen, businesses couldn't borrow, and we were hearing predictions that this could be the end of capitalism. We heard that from Republicans and Democrats alike. So what we did has worked. We have avoided a Great Depression. The economy is growing, although we are very worried about the slow pace of job creation, which is why we are working so hard to continue to create new jobs.

But if we take a look at the financial institutions which received this huge bailout, what we see is they showed a resounding economic recovery in 2009. Thanks to taxpayer assistance, many of these companies are posting record profits. So you have these companies posting record profits, that benefited when times were bad with taxpayer help, and now they are paying out multimillion dollar bonuses to their top executives.

The United States pays its President—our highest paid Federal official—$400,000. These company leaders are earning millions of dollars, and then, on top of that, bonuses. So what Senator WEBB and I are saying is this: If you have received a bonus of $400,000 or more from one of the top recipients of the taxpayer bailout, you should pay a special one-time fee—50 percent of that bonus, which is on top of your salary. Fifty percent of the bonus of $400,000 or more should go back to the taxpayers and reduce our deficit.

It is hard for me to imagine how these financial companies, which were bailed out by taxpayers, could have such a deaf ear to the plight of America's workers and why they would embark upon these enormous bonuses, especially since they are not lending the monies that we think they ought to lend to businesses. They are actually cutting back on lending to qualified businesses—I think it is an 18-percent reduction in loans to businesses—yet they are paying out these enormous bonuses. So what Senator WEBB and I are saying is we want a one-time, 50-percent fee paid on the bonus that exceeds $400,000. This fee would only affect those recipients at the largest and most major companies who received this bailout.

I want to reiterate this. The fee is paid on the bonuses that exceed $400,000. We don't touch the bonuses $400,000 or less. We are making a point. And even though we have been fair, it will return to the Treasury about $10 billion, is our estimate, over time.

It is only fair that these institutions, which were so greatly assisted in 2009, should help our Nation with our fiscal problems. We inherited those problems from this economic collapse. We know that when President Bush handed the keys over to President Obama there already was a huge deficit in place, but President Obama had to act. We had to pass an economic recovery act. We had to make sure credit was flowing. So it added still more to the debt, and it seems to me only fair that people who are at those institutions that were bailed out—which only exist because of the generosity of taxpayers, because we knew if they failed there would be big trouble—if their bonuses are over $400,000 they ought to pay this special one-time fee back to taxpayers.

Reducing the deficit is important and fairness is important. I want to thank my colleague from Virginia for working with me on this legislation, and I urge the Senate, in a bipartisan way, to join us in supporting this commonsense measure. We hear a lot of talk around here about the deficit, the deficit, the deficit. That is a very important priority for us—to reduce this deficit. Here is a way to do it that is totally fair and just. People who work at the institutions that got the biggest bailouts from Uncle Sam to save them, and those people who are now getting these enormous bonuses, ought to make a contribution to deficit reduction. We need it, we think it is right, and we hope there will be a big bipartisan vote in favor of the Webb-Boxer amendment.

I yield the floor.

AMENDMENT NO. 3338

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise to speak in opposition to the amendment submitted by the Senator from South Dakota, Mr. THUNE.

This amendment cloaks itself in the guise of fiscal responsibility, but nothing could be further from the truth. The amendment would rescind funding from the American Recovery Act—the so-called stimulus bill—to pay for the cost of program increases for small businesses. We can all agree that we should do more to support small business, but it is nonsensical to rescind funding from the Recovery Act, which is also creating jobs. I understand all too well that some on the other side of the aisle have argued that the stimulus bill was a mistake, but the facts are proving just the opposite.

Last week, the Congressional Budget Office—the CBO—released a report on the impact of those stimulus funds which have already been spent. The Congressional Budget Office report notes the extremely beneficial impact from this act. The report states that the stimulus funds are responsible for

an increase of somewhere between 1.5 and 3 percent in the gross domestic product during the last quarter of 2009, and with an estimated increase in this first quarter of up to 3.9 percent. Moreover, the CBO states that the stimulus bill accounted for an increase of at least 1 million jobs in the fourth quarter of 2009, and possibly as many as 2.9 million jobs. This is something to ponder.

The one thing the American people all agree upon is that we need to be doing more to create jobs. The American Recovery Act is doing just that. CBO estimates that the level of jobs created through 2010 from stimulus funds could be as high as 3.4 million jobs. That would mean a decline in unemployment of 1.8 percent in this country. No other action by this Congress has provided this kind of positive impact on the job market. So what possible logic is there in rescinding funds from this act which is providing so many benefits to the American people? Why would we support an amendment to cut funding from the act which is clearly helping to reduce devastating job losses?

No one can argue that the stimulus bill isn't working. The proof is at least a million jobs created last quarter. It has had an immensely favorable impact on our economy. I know some of those who oppose the bill don't want to hear it, but that is reality. The numbers from CBO tell the story.

The Thune amendment fails to offer any guidance to which programs it would cut. That is a rather strange amendment. Clearly, it is more politically expedient to simply cite a dollar figure to cut rather than identifying which specific programs the amendment would impact. The Thune amendment offers no direction as to which recovery programs it would shut down. The result could be cuts to the highway funding, new energy technology or reversing efforts to make government buildings and low-income housing more energy efficient.

Moreover, this amendment doesn't even allow the Congress to determine how the funds should be reduced. Instead, it directs the Office of Management and Budget—OMB—to determine where to reduce funding. I cannot believe the authors of this amendment want the Senate to give up the power of the purse to the bureaucrats at OMB to determine where we should spend our taxpayers' funds, but this is what this amendment would do.

For many reasons, this is a bad amendment. It is exactly what the country does not need at this time. We all know that the No. 1 malady facing the country today is unemployment. We now have proof from the Congressional Budget Office that the stimulus bill was the exact right medicine to treat this illness. I urge my colleagues to reject this amendment and allow our stimulus funds to work as planned: making wise investments in America and putting our people back to work.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Arizona.

Mr. MCCAIN. Mr. President, as we all know, yesterday the President issued a letter that said he was agreeing on ''four policy priorities identified by Republican Members at the meeting'' that we had. And he said, ''I am exploring. I said throughout this process,'' I quote from the President's letter, ''that I'd continue to draw on the best ideas from both parties, and I'm open to these proposals in that spirit.''

So he mentioned several of them. In it, he talks about the four areas he would be considering: One by Senator COBURN, a proposal; another one that a number of people had discussed concerning demonstration projects through Health and Human Services for resolving medical malpractice disputes; one on Medicaid reimbursements; and then expanded health savings accounts.

He said: ''That's why my proposal does not include the Medicare Advantage provision, mentioned by Senator MCCAIN at the meeting, which provided transitional extra benefits for Florida and other States. My proposal eliminates those payments, gradually reducing Medicare Advantage payments across the country relative to fee-for-service Medicare,'' et cetera.

Then he says, ''In addition, my proposal eliminates the Florida FMAP provision, replacing it with additional federal financing'' in all States.

Of course, this raises, I think, first of all, the legitimate question: How did this stuff get in there to start with? How did it take weeks of examining a 2,400-page bill? What about the other sweetheart deals that were included behind closed doors in this 2,400-page legislation? What about the deal for Vermont, a 2.2-percent Medicaid bonus for 6 years for their Medicaid Program? What about the Massachusetts deal, a .5-percent Medicaid bonus for 3 years? Hawaii? It adds money for Hawaii hospitals. Hospitals in Michigan and Connecticut have the option to benefit from higher payments; Connecticut, $100 million for a university hospital. The Senate beneficiary of this provision was not originally known. Montana, South Dakota, North Dakota, Wyoming had increased Medicare payments for those States.

What is unique about those States? Libby, MT, Medicare coverage for individuals exposed to environmental health hazards, asbestos mining. That may be a worthy cause, but shouldn't it be the subject of an authorization and debate and appropriations?

Then, of course, we had the special deals that were cut with the special interests, not just PhRMA. The White House negotiators—the White House negotiators not congressional negotiators—extracted an $80 billion deal to gain more offsets from the drug industry, and their $2-million-a-year lobbyists confirmed the deal in news reports. In exchange for PhRMA supporting the Democratic Senate bill, PhRMA spent $150 million in advertising support. And to further lock in the deal, the White House and Senate Democrats agreed to oppose drug reimportation and a shorter pathway for generic biologics.

To sum all this up, there is no better description of it than what is by the majority leader of the Senate, who, on Christmas Eve, when these deals became known as we examined the 2,400 pages, Senator REID, the majority leader, said—this, I think, encapsules, summarizes the entire process they went through:

A number of States are treated differently from other States. That's what legislation is all about. That's compromise.

I want to repeat that. I want to repeat that quote from Senator REID.

A number of States are treated differently from other States. That's what legislation is all about. That's compromise.

That is not compromise. That is not the word. ''Compromise'' is an agreement between two parties on both sides of the aisle who reach an agreement. This is backroom wheeler dealing, special interest influence, and vote buying. That is what this was. Why would a State be treated differently from another State? Why would we have disparate impact on different States?

One of the reasons I have focused a lot of my attention on the 800,000-person carve-out in the State of Florida, as the President has said that would be changed, is because there are 330,000 Medicare Advantage enrollees in my State. Why should it ever happen that the residents of one State who are in the same program, the exact same Federal program, have different advantages over another State?

I am pleased the President's letter concerning the issue of the 800,000 people in Florida who will receive different coverage, that that would be fixed. But I also point out, as I just chronicled, that is one of many proposals, many sweetheart deals, many backroom deals. It has to be put in the context of the fact that the President of the United States promised the American people that we would change the climate in Washington. Eight times the President of the United States said all of these negotiations on health care reform will take place with C–SPAN cameras in the room.

My understanding of the process now is that there is going to be a vote in the House on the Senate bill and then there will be a reconciliation of 51 votes, which, of course, is offensive to the American people. But I assume, then, the Senate bill as passed will have all of these provisions in it that are these secret, backroom, unsavory deals that were made.

So let me just say it is disappointing, the contrast of the President's statement, when we have learned that last week's health care summit was not really a true effort. In other words, the summit at the Blair House did not reflect what the overwhelming majority

of the American people are demanding; that is, we start over and we stop what has been done.

One of the reasons they want it stopped is because they have become aware of these special deals for special interests and vote purchasing. That is what they have become aware of. So that is one of the major reasons they want us to start over.

At the townhall meetings I have, people are as upset about the process we went through as they are the actual legislative outcome, although they are very unhappy about that.

Let me just say I know a bit about working in a bipartisan fashion. I know people want us to get things done together. I know the approval ratings of Congress are extremely low, and there is a great disconnect between the people of this country and what we are doing in Washington, and they want us to work together, adhering to principle and addressing the enormous challenges that face them. But that means starting over.

We did identify areas on which we could agree. We did identify the fact that there are some areas. But unless we start over, then how in the world can we put lipstick on a pig? It is still a pig. It is still a bad and unsavory process that we went through in order to reach the legislative package we have now.

What we really need to do is start over and then we can get rid of all of these. We can get rid of the ''Louisiana purchase,'' and Vermont and Massachusetts and Hawaii and Michigan, Connecticut—Connecticut twice, one $100 million for a hospital and then higher payments—Montana, South Dakota, North Dakota, Wyoming. We can get rid of all of these if we start over.

I point out, finally, because we are going to be talking a lot about this—and I know other colleagues of mine are waiting to speak—I just point out again this whole issue of reconciliation. A lot of Americans had never heard that word before, certainly not in this context before this came up. But the word ''reconciliation'' means we would reconcile differences on small issues between the two bodies. It was the product of Senator ROBERT BYRD, who has said unequivocally that health care—that Medicare and health care should not be included in this process. It was Senator ROBERT BYRD who specifically exempted Social Security from being a part of reconciliation. He said, and I quote from Senator ROBERT BYRD:

> I was one of the authors of the legislation that created the budget reconciliation process in 1974 and I am certain that putting health care reform and climate change legislation on a freight train through Congress is an outrage that must be resisted.

That was the author. Of course, all during the time when the other side of the aisle was in the minority they complained bitterly, and I think with some justification, that reconciliation was used as a means of getting legislation through this body, bypassing the 60-vote requirement.

I would like to point out—and it may be a bit self-serving, but I would like to point out that when the so-called nuclear option was up, we would move to a process that only 51 votes would be required in order to confirm judges in this body, I and 13 others joined in a bipartisan fashion, and we said no. We will have circumstances that will attend our votes on confirmation and, for the good of the body, we preserved the 60-vote majority rule that has been the custom in this institution of the Senate in modern times.

The American people are watching very carefully what we are doing. There may be some belief that a lot of Americans are not appreciating what apparently is the plan, and that is to move serious legislation through the Senate with a 51-vote majority, legislation that would affect one-sixth of our gross national product.

I urge my colleagues, as I did when we were considering the ''nuclear option on judges,'' that this nuclear option also be rejected and go back to the 60 votes and maintain the 60-vote majority requirement that basically governs our proceedings in the Senate.

Let's start over. Let's listen to Warren Buffett, a strong supporter of the President of the United States. He noted that this legislation includes nonsense, backroom deals for special interests.

He said:

> Democrats should cut off all the kinds of things like the 800,000 special people in Florida or the Corn Husker kickback, as they called it, or the Louisiana Purchase, and we are going to get rid of the nonsense. We are just going to focus on costs and we are not going to dream up 2,000 pages of other things.

I hope we will heed the words of Warren Buffet, which basically is that he and the American people want us to start over. They certainly do not want to have legislation enacted by a bare majority. Again, I would remind my colleagues of history. Every major reform that has been enacted by this body, whether it be the Civil Rights Act, whether it be Medicare, whether it be other major reform, it has always been done with overwhelming bipartisan support.

It is not too late. Let's go back to the beginning. Let's start over. We have identified areas we can work together on and certainly reject this idea of 51 votes governing the way this body functions. I think it poses great danger to the future of this institution that all of us who have the privilege of serving here love as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3353, AS MODIFIED

Mr. SANDERS. Mr. President, I ask unanimous consent that my amendment which is pending, No. 3353, be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. EXTENSION AND MODIFICATION OF CERTAIN ECONOMIC RECOVERY PAYMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Senior Citizens Relief Act of 2010''.

(b) EXTENSION AND MODIFICATION OF PAYMENTS.—Section 2201 of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) in subsection (a)(1)(A)—

(A) by inserting ''for each of calendar years 2009 and 2010'' after ''shall disburse'',

(B) by inserting ''(for purposes of payments made for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made for calendar year 2010)'' after ''the date of the enactment of this Act'', and

(C) by adding at the end the following new sentence: ''In the case of an individual who is eligible for a payment under the preceding sentence by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual for calendar year 2010 unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010.'',

(2) in subsection (a)(1)(B)(iii), by inserting ''(for purposes of payments made under this paragraph for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made under this paragraph for calendar year 2010)'' before the period at the end,

(3) in subsection (a)(2)—

(A) by inserting '', or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address'' after ''Northern Mariana Islands'', and

(B) by striking ''current address of record'' and inserting ''address of record, as of the date of certification under subsection (b) for a payment under this section'',

(4) in subsection (a)(3)—

(A) by inserting ''per calendar year (determined with respect to the calendar year for which the payment is made, and without regard to the date such payment is actually paid to such individual)'' after ''only 1 payment under this section'', and

(B) by inserting ''FOR THE SAME YEAR'' after ''PAYMENTS'' in the heading thereof,

(5) in subsection (a)(4)—

(A) by inserting ''(or, in the case of subparagraph (D), shall not be due)'' after ''made'' in the matter preceding subparagraph (A),

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

''(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

''(i) for the most recent month of such individual's entitlement in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);'',

(C) in subparagraph (B), by striking ''3 month period'' and inserting ''applicable 3-month period'',

(D) by striking subparagraph (C) and inserting the following:

''(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

''(i) for the most recent month of such individual's eligibility in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or'',

(E) by striking subparagraph (D) and inserting the following:

''(D) in the case of any individual whose date of death occurs—

''(i) before the date of the receipt of the payment; or

''(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual's account.'',

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

''In the case of any individual whose date of death occurs before a payment is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person.'', and

(G) by adding at the end, as amended by subparagraph (F), the following new sentence: ''Subparagraphs (A)(ii) and (C)(ii) shall apply only in the case of certifications under subsection (b) which are, or but for this paragraph would be, made after the date of the enactment of Emergency Senior Citizens Relief Act of 2010, and shall apply to such certifications without regard to the calendar year of the payments to which such certifications apply.''.

(6) in subsection (a)(5)—

(A) by inserting '', in the case of payments for calendar year 2009, and no later than 120 days after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, in the case of payments for calendar year 2010'' before the period at the end of the first sentence of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

''(B) DEADLINE.—No payment for calendar year 2009 shall be disbursed under this section after December 31, 2010, and no payment for calendar year 2010 shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitlement to, or eligibility for, such payment made after whichever of such dates is applicable to such payment.'',

(7) in subsection (b), by inserting ''(except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (A), (B), (C), or (D) of subsection (a)(4) during a period described in such subparagraphs), and no individual shall be certified to receive a payment under this section for a calendar year if such individual has at any time been denied certification for such a payment for such calendar year by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial)'' before the period at the end of the last sentence,

(8) in subsection (c), by striking paragraph (4) and inserting the following:

''(4) PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.—Notwithstanding paragraph (3), any payment made under this section—

''(A) shall, in the case of a payment by direct deposit which is made after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

''(B) shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset under such section 3716 to collect delinquent debts.'',

(9) in subsection (e)—

(A) by striking ''2011'' and inserting ''2012'',

(B) by inserting ''section _____(c) of the Emergency Senior Citizens Relief Act of 2010,'' after ''section 2202,'' in paragraph (1), and

(C) by adding at the following new paragraph:

''(5)(A) For the Secretary of the Treasury, an additional $5,200,000 for purposes described in paragraph (1).

''(B) For the Commissioner of Social Security, an additional $5,000,000 for the purposes described in paragraph (2)(B).

''(C) For the Railroad Retirement Board, an additional $600,000 for the purposes described in paragraph (3)(B).

''(D) For the Secretary of Veterans Affairs, an additional $625,000 for the Information Systems Technology account''.

(c) EXTENSION OF SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.—

(1) IN GENERAL.—In the case of an eligible individual (as defined in section 2202(b) of the American Recovery and Reinvestment Tax Act of 2009, applied by substituting ''2010'' for ''2009''), with respect to the first taxable year of such individual beginning in 2010, section 2202 of the American Recovery and Reinvestment Tax Act of 2009 shall be applied by substituting ''2010'' for ''2009'' each place it appears.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 36A of the Internal Revenue Code of 1986 is amended by inserting '', and any credit allowed to the taxpayer under section _____(c)(1) of the Emergency Senior Citizens Relief Act of 2010'' after ''the American Recovery and Reinvestment Tax Act of 2009''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICATION OF RULE RELATING TO DECEASED INDIVIDUALS.—The amendment made by subsection (a)(5)(F) shall take effect as if included in section 2201 of the American Recovery and Reinvestment Tax Act of 2009.

(e) EMERGENCY DESIGNATION.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (P.L. 111–139), and designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Mr. SANDERS. I ask unanimous consent that Senator MENENDEZ of New Jersey be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. SANDERS. Madam President, as senior citizens and disabled veterans all over this country know, this is the first year since 1975—36 years ago—that there will not be a Social Security cost-of-living adjustment or COLA. In my view, the fact that people in need—seniors, disabled veterans, people who have disabilities—will not be receiving a COLA this year is wrong and it is an issue we have to address and I hope we will address it successfully this afternoon, in terms of the amendment I will offer.

The reality is, in recent years, senior citizens, veterans, and persons with disabilities have slipped out of the middle class and into poverty. That is a reality—out of the middle class and into poverty. The reality is, today prescription drug costs are soaring, medical care costs for seniors and disabled people are soaring, and heating oil has gone through the roof, especially relevant to those of us in cold-weather States.

At a time when millions of seniors have seen the value of their pensions, their homes, and their life savings plummet, we cannot turn our back on some of the most vulnerable people in this country. They are hurting and they need our emergency support and that is why I am offering, today, along with Senators DODD, LEAHY, WHITEHOUSE, GILLIBRAND, LAUTENBERG, BEGICH, STABENOW, and MENENDEZ, an amendment which will provide over 55 million seniors, veterans, and persons with disabilities $250—a one-time payment—in much needed emergency relief. This $250 emergency payment is equivalent to a 2-percent increase in benefits for the average Social Security retiree, and it is the same amount seniors received last year as part of the Recovery Act.

Two percent is not a lot of money, but it will, in fact, provide much needed help to millions of people who are demanding we not turn our back on them. This amendment is supported by a wide array of seniors and veterans organizations representing tens of millions of Americans. Let me give some of the organizations that are supporting this amendment: the AARP, which is the largest senior group in America; the American Legion, the largest veterans group in America; the Veterans of Foreign Wars; the National Committee to Preserve Social Security and Medicare; the American Federation of Teachers Program on Retirement and Retirees; the Disabled American Veterans; the Alliance for Retired Americans; Easter Seals; the Military Officers Association; the Vietnam Veterans of America; the National Council on Aging; AMVETS; and many other organizations.

One of the side benefits of this amendment is that funds directed to this population will go almost immediately into the economy. These are folks who will spend that money, providing the quickest possible stimulus to local economies and thus creating jobs in every community in our country. President Obama is strongly supportive of this $250 in emergency relief to seniors. The President has included it in his budget, and he has also recommended it be included in the underlying legislation we are debating today.

Here is what the President has said about this issue:

Even as we seek to bring about recovery, we must act on behalf of those hardest hit by this recession. That is why I am announcing my support for an additional $250 in emergency recovery assistance to seniors, veterans, and people with disabilities to help them make it through these difficult times.

I very much appreciate the President's support for what we are trying to do here today.

In Vermont and all across this country, ordinary people believe the Congress is way out of touch with the realities of their lives. They believe that we just do not get it, that we do not understand that all over this country millions of people are hurting and that sometimes they are hurting desperately, that people are frantically trying to keep bread on their tables. People are trying to make sure they and their families can live with dignity, and they wonder if we in Congress get it. They know we are there for Wall Street. They know that. They know we are there to take care of big banks and insurance companies and drug companies, but they are not quite sure we are there to take care of vulnerable people who are elderly and who are disabled veterans.

Let me read some quotes from organizations and individuals on this issue. This is what the VFW has to say in support of this legislation:

This year veterans and seniors will not receive COLA. This could not come at a worse time. Your legislation would provide a one-time check of $250 to 1.4 million veterans, 48.9 million Social Security recipients, and 5.1 million SSI recipients. We believe that this will provide some relief to those veterans and seniors living on fixed incomes. . . .

We thank the VFW very much for their support.

Let me quote very briefly from the National Committee to Preserve Social Security and Medicare:

The National Committee strongly urges you to pass legislation to provide a $250 payment to our Nation's seniors who did not receive a COLA this year. It is vitally important that we provide help for seniors of modest means who have been adversely affected by the economic recession and rapidly rising health care costs.

Here is a quote from AARP, a group that represents over 40 million Americans age 55 and older, in support of this amendment. This is what they say:

For over three decades, millions of Americans have counted on annual increases to help make ends meet. In this economy, having this protection is even more critical for the financial security of all older Americans. AARP applauds the President for urging Congress to extend for 2010 the $250 economic relief provided to older Americans last year.

Let me quote again from another statement by AARP which I think makes this case very cogently. I think they nail it, and they tell us why it is absolutely imperative that we pass this legislation.

Last year, the Social Security Administration announced that for the first time since it began in 1975, seniors will not receive an automatic cost of living adjustment for 2010. Although the lack of a COLA was triggered by low overall inflation—

And here is the point—

the costs of the things seniors depend on most—prescription drugs and health care—have continued to increase above inflation. Seniors spend an average of 30 percent of their income on health care costs, 6 times greater than what those with employer-sponsored health care coverage spend, and these prescription drug costs, premiums, and copays have skyrocketed.

I think that is the main point to be made today. That is why we should support this one-time payment.

AARP, of course, is a large national organization.

Let me give some quotes from letters I have received from Vermont and from around the country.

A gentleman from central Vermont writes:

As you know, Social Security has not given a COLA increase on benefits in 2010, based on the CPI. I did some research and found these increases from January 2009 to January 2010.

This is what he has calculated.

Power rates are up by 7 percent; heating oil up by 15 percent; propane up by 24 percent; property taxes up 3.7 percent; gasoline up 16.6 percent; food up, conservatively speaking, 3 percent.

Here is where he said:

The CPI was obviously done by statisticians on vacation in Jamaica while sipping some tropical concoctions that impaired their judgment. These things above add up to nearly $3,000. To cover this, I would require a 12 percent increase in my disability benefits.

This is from central Vermont. I do not agree with the writer of this letter that the statisticians came to their conclusions by sipping tropical concoctions in Jamaica. I don't think that is the case. But I do believe he is correct in suggesting that the methodology by which COLAs for seniors are established is not right. Here is why. COLA increases are determined by a look at the purchasing practices of the entire population—all of us—and that is not fair to seniors today, whose purchasing needs are very different from the average person's. As the AARP pointed out, seniors spend a very disproportionate amount of their limited incomes on health care, prescription drugs, et cetera. Those costs have gone up. In other words, while costs may have gone down for younger people who may be purchasing laptop computers, IPODs, GPSs, flatscreen TVs, cell phones, and other products, they have not gone down for millions of seniors who are dependent and spend a whole lot on health care. By the way, that is why, when I was in the House, I offered legislation which received very strong bipartisan support to create a separate index for seniors in determining their COLAs. I do believe that is the direction we have to go.

I have received many letters. Let me read one more.

This comes from New Jersey. This is Claire from New Jersey:

I am 82 years old. Having been widowed and bankrupt at age 37 to raise my 3 young children alone, I thought that with my Social Security and my small pension plus by savings, I would never have to depend on my children to care for me in my old age. But now that my savings have been depleted by 30 percent and my health care insurance is costing me $3,200 a year, I am very worried if my savings will last me much longer.

Elizabeth in Spur, TX, writes:

Social Security is my main source of income. I have bills that I couldn't pay if it wasn't for this income. I think that it is a disgrace that the Government will bail out the banks and car manufacturers but not sure if the elderly will get a COLA. The elderly are the people that have kept this country together for years and they are considering not giving them a little raise? I wish that some Members of the Congress and the Senate had to live on the income that we have to and see how they can manage, like the saying goes, if the shoe was on the other foot.

Let me conclude by pointing out that there is bipartisan support for the concept we are talking about today, especially in the House of Representatives. In that body, in the House, Congressmen WALTER JONES, RODNEY ALEXANDER, PHIL GINGREY, and ROSCOE BARTLETT—all Republicans—have introduced legislation which, frankly, goes further than the amendment I am offering. Instead of a one-time payment, they are proposing a 2.9-percent COLA for Social Security, which ends up, obviously, costing a lot more than a one-time payment of about 2 percent.

Here is what Congressman ALEXANDER, a Republican from Louisiana, said about his legislation:

Although the annual adjustment is a small increase, it is a much-needed benefit for our Nation's seniors to help them compensate for inflation and to sustain the skyrocketing prices of health care and prescription drugs. It is evident that the current Social Security system is not keeping up with our seniors' basic needs. Congress must take action today so that our Social Security beneficiaries are protected tomorrow.

That is from Congressman ALEXANDER, a Republican from Louisiana. I agree with the Congressman, and I hope all of my colleagues, Democrats and Republicans, will agree that seniors need emergency relief and they need it now.

Over 90 percent of the individuals who will receive this emergency relief make less than $75,000 and over 8 million who will receive help under this amendment make less than $14,000 a year.

That is where we are. Millions of people are wondering whether, in their times of need, when their costs are going up, when they are struggling to maintain their dignity—they are wondering whether a Congress that was there for Wall Street, a Congress which over a period of years has been there for the wealthiest people in this country, whether that same Congress will be there for disabled veterans and our seniors. I hope and believe we will be, and I ask for support for the amendment that will be voted on soon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

AMENDMENT NO. 3352

Mr. BAUCUS. Mr. President, I understand we will have two amendments we will be voting on shortly; they will be the Thune amendment and the Grassley amendment. Let me say a few words about each—first, the Grassley amendment.

The Grassley amendment essentially extends the formula under which doctors are paid, reimbursed for Medicare services, by 3 more months. The underlying bill, in the formula known as sustainable growth rate, otherwise known as SGR, extends it for 7 months. Frankly, it is my preference, strange as it may sound, that the extension be not 7 months but 3 months, but when we negotiated out these provisions, it turns out the extension was 7 months.

You might ask why I favor a 3-month extension rather than 7 months. There are two reasons. The main reason is that I firmly expect health care reform to be passed within 3 months. If the formula, the sustainable growth rate, is extended for 3 months, that enables us, as soon as health care reform is passed, to then address how we then get a much better solution to the SGR, the sustainable growth rate, and my preference would be a permanent solution. I am afraid if we extend this for, say, 10 months and then health care reform is passed, fixing the permanent formula will not have the same urgency as it otherwise would.

So I do very much believe what we have now in the bill—7 months—is better than a 3-month extension. Another way of saying it, as much as I admire my good friend from Iowa, it would not be appropriate to adopt his amendment. In fact, I do not favor his amendment.

The second reason is probably more compelling, and that is, although he does pay for his amendment by extending the formula for 3 more months, he does so by taking the funds out of a fund which is used for Medicare. It is called the MIF, the Medicare Improvement Fund.

The Medicare Improvement Fund is very—it is almost essential so that we have funds to pay for the underlying health care bill. It is very important that the underlying health care bill be deficit neutral. We are working on certain modifications to the health care reform bill, the bill that has passed the Senate. As we know, it is over in the House.

As the President announced just a few minutes ago, he wants us—I think it is the right thing to do—to pass a modification to that bill by a majority vote. If we are going to do that, we have to make sure it is deficit neutral. In fact, I would like it even better than deficit neutral; that is, that it would reduce the deficit. This Medicare Improvement Fund can help very much toward assuring us that the underlying bill, the health reform bill, is in fact deficit neutral.

So for those two reasons: One, I think it is better for us to pass health care reform using some of the funds in the Medicare Improvement Fund so we can make it deficit neutral, pass it, and then we can work on improving and finding a permanent solution to the sustainable growth rate formula, a formula that has bedeviled us for many years.

For those two reasons, I very much urge us to—as much as I appreciate the efforts of my good friend from Iowa, discretion is the better part of valor here. It would be better for us not to adopt that amendment because we do need those dollars to help make sure we can pay for the underlying health care reform bill.

There is another amendment we will be voting on soon. It is No. 3338, the Thune amendment. I support many of the small business tax relief concepts outlined by Senator THUNE. In fact, many of these will be discussed as part of the small business jobs bill to be introduced quite shortly. By that I mean in the next maybe week or two. I am not sure exactly when, but quite soon the Finance Committee will be marking up a small business jobs bill.

I spoke with Senator LANDRIEU, who is the chairperson of the Small Business Committee. We put together a small business jobs package which we think will be quite effective in helping small business people be more prosperous and have more people able to work for small business firms.

I might say, however, that Senator THUNE's amendment is problematic for two reasons. First, his amendment makes several provisions permanent. This is not the time for that discussion. Making these provisions permanent is expensive, and, therefore, permanent provisions need to be discussed as part of comprehensive tax reform.

Second, Senator THUNE's amendment would be offset with unspent and unallocated mandatory spending of stimulus funds. I might say there is growing evidence that the recovery package is working. There has been some debate over that proposition, but I think the wave of evidence is that the stimulus funds in the recovery package have had a significant positive effect. The Congressional Budget Office has said so.

Over the last 6 months of 2009, for example, the overall economy grew at an annual rate of 4 percent. I am quite confident that had we not passed the stimulus measure, the growth rate would not be at that rate; it would be lower.

In the fourth quarter of 2009, the gross domestic product grew at an annual rate of 5.7 percent. Now, that might be somewhat artificially high because of inventory, but, nevertheless, that was the number. One year earlier, in the fourth quarter of 2008, it was actually declining at an annual rate of more than 5 percent.

Manufacturing in the United States expanded in August for the first time in 19 months. Just think of that. Manufacturing in our country expanded in August for the first time in 19 months.

Housing prices in many parts of the country have stabilized; some are even increasing. The Case-Shiller index of home prices has now risen 7 months in a row.

Unemployment is improving. According to the Congressional Budget Office, last year's Recovery Act added between 1 million and 2.1 million people to our country's payroll. The Recovery Act—that is the stimulus bill I am talking about—lowered the unemployment rate by between .5 percent and 1.5 percentage points from where it otherwise would have been.

In addition, the Federal Reserve and many independent economists have credited the stimulus with playing a role in stabilizing the economy. But we still have work to do. The national unemployment rate stands at 9.7 percent. The CBO estimates that 8 million jobs have been lost over the course of the ''Great Recession.'' They also say unemployment may not be in its natural state of 5 percent until the year 2016.

Revoking stimulus funds now would send exactly the wrong signal to the American economy and to unemployed people in our country. Just think of that. Revoking stimulus funds now. Just think of the signal that would send. We know there are more funds in the pipeline. The stimulus program is working. We take that away, just think of the signal that would send across our country.

We passed stimulus to give a needed boost to our economy. The bill is designed to work over 2 years—2 years. We are in the second year now, just beginning the second year now. We have successfully started down the road to recovery, and the economy would falter if these funds were withdrawn.

I urge my colleagues to oppose this amendment.

AMENDMENT NO. 3338, AS FURTHER MODIFIED

Mr. President, I ask unanimous consent that at 2:45 p.m., the Senate proceed to vote in relation to the following amendments, in the order listed, with no amendments in order to the amendments prior to this vote; that prior to each vote there be 4 minutes of debate equally divided and controlled in the usual form: Thune amendment No. 3338, as modified, and that prior to the vote it be further modified with the

changes at the desk; and the Grassley amendment No. 3352.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

AMENDMENT NO. 3336, AS FURTHER MODIFIED

At the end, insert the following:

TITLE ——ADDITIONAL BUSINESS TAX RELIEF

Subtitle A—General Provisions

SEC. —01. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) PERMANENT INCREASE.—Subsection (b) of section 179 is amended—

(1) by striking ''$25,000'' and all that follows in paragraph (1) and inserting ''$500,000.'',

(2) by striking ''$200,000'' and all that follows in paragraph (2) and inserting ''$2,000,000'',

(3) by striking ''after 2007 and before 2011, the $120,000 and $500,000'' in paragraph (5)(A) and inserting ''after 2009, the $500,000 and the $2,000,000'',

(4) by striking ''2006'' in paragraph (5)(A)(ii) and inserting ''2008'', and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''and before 2011''.

(c) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2008.

SEC. —02. EXTENSION OF ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k), as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended—

(1) by striking ''January 1, 2011'' in subparagraph (A)(iv) and inserting ''January 1, 2012'', and

(2) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168, as amended by the American Recovery and Reinvestment Tax Act of 2009, is amended by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''.

(2) The heading for clause (ii) of section 168(k)(2)(B), as so amended, is amended by striking ''PRE-JANUARY 1, 2010'' and inserting ''PRE-JANUARY 1, 2011''.

(3) Subparagraph (D) of section 168(k)(4) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2011' shall be substituted for 'January 1, 2012' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2010' shall be substituted for 'January 1, 2011' each place it appears in subparagraph (A) thereof.''.

(4) Subparagraph (B) of section 168(l)(5), as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(5) Subparagraph (C) of section 168(n)(2), as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(7) Subparagraph (B) of section 1400N(d)(3), as so amended, is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

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

SEC. —03. INCREASED EXCLUSION AND OTHER MODIFICATIONS APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK.

(a) INCREASED EXCLUSION.—

(1) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

''(a) EXCLUSION.—

''(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include the applicable percentage of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent, in the case of stock issued after August 10, 1993, and on or before February 18, 2009,

''(B) 75 percent, in the case of stock issued after February 18, 2009, and on or before the date of the enactment of the American Workers, State, and Business Relief Act of 2010, and

''(C) 100 percent, in the case of stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.

''(3) EMPOWERMENT ZONE BUSINESSES.—

''(A) IN GENERAL.—In the case of qualified small business stock acquired after December 21, 2000, and on or before February 18, 2009, in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (2)(A) shall be applied by substituting '60 percent' for '50 percent'.

''(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

''(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

''(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 1202 is amended by striking ''partial''.

(B) The item relating to section 1202 in the table of sections for part I of subchapter P of chapter 1 is amended by striking ''Partial exclusion'' and inserting ''Exclusion''.

(C) Section 1223(13) is amended by striking ''1202(a)(2),''.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—Paragraph (7) of section 57(a) is amended by adding at the end the following: ''The preceding sentence shall not apply to stock issued after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.''.

(c) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) is amended by striking ''paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000' '' and inserting ''the amount under paragraph (1)(A) shall be half of the amount otherwise in effect''.

(d) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) is amended by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000''.

(e) INFLATION ADJUSTMENTS.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2010, the $15,000,000 amount in subsection (b)(1)(A), the $75,000,000 amount in subsection (d)(1)(A), and the $75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000,000 such amount shall be rounded to the next lowest multiple of $1,000,000.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (c) and (e) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. —04. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

''(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

''(A) 9 percent of the lesser of—

''(i) the qualified production activities income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year, and

''(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

''(i) the eligible small business income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year.''.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

''(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

''(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term 'eligible small business' means, with respect to any taxable year—

''(A) a corporation the stock of which is not publicly traded, or

''(B) a partnership,

which meets the gross receipts test of section 448(c) (determined by substituting '$50,000,000' for '$5,000,000' each place it appears in such section) for the taxable year (or, in the case of a sole proprietorship, which would meet such test if such proprietorship were a corporation).

''(2) ELIGIBLE SMALL BUSINESS INCOME.—

''(A) IN GENERAL.—For purposes of this section, the term 'eligible small business income' means the excess of—

''(i) the income of the eligible small business which—

''(I) is attributable to the actual conduct of a trade or business,

''(II) is income from sources within the United States (within the meaning of section 861), and

''(III) is not passive income (as defined in section 904(d)(2)(B)), over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such income, and

''(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

''(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

''(i) Any income which is attributable to any property described in section 1400N(p)(3).

''(ii) Any income which is attributable to the ownership or management of any professional sports team.

''(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

''(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

''(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.''.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

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

SEC. —05. NONAPPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT.

(a) TAX-FAVORED BONDS.—Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is hereby repealed.

(b) STIMULUS PROJECTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, subchapter IV of chapter 31 of title 40, United States Code, shall not apply to any project funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the American Recovery and Reinvestment Act of 2009.

(2) CONFORMING AMENDMENT.—Section 1606 of division A of the American Recovery and Reinvestment Act of 2009 is hereby repealed.

(3) EFFECTIVE DATE.—This subsection shall apply to contracts entered into after the date of the enactment of this Act.

Subtitle B—Transfer of Stimulus Funds

SEC. —11. TRANSFER OF STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues resulting from the enactment of this title.

Mr. BAUCUS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to call up amendment No. 3358, that it be pending, and then set it aside.

Mr. BAUCUS. Mr. President, reserving the right to object, first, will the Senator tell me the content of the amendment?

Mr. COBURN. I am sorry?

Mr. BAUCUS. Reserving the right to object, tell me the content.

Mr. COBURN. This is an amendment that discusses the amount that the Secretary of the Senate will put up on our Web site, the amount of new programs; that we publish the total amount of spending, discretionary and mandatory, passed by the Senate that has not been paid for.

Mr. BAUCUS. I appreciate that. This is something that I do not like doing. I am constrained to object, however, because we have had requests from other Senators who wish to bring up their amendments, and, frankly, we have asked them to defer temporarily so we can set up a reasonable order back and forth of Senators.

Regrettably, I do not like objecting, but I do feel constrained to object to the Senator's request.

The ACTING PRESIDENT pro tempore. Objection is heard.

AMENDMENT NO. 3358 TO AMENDMENT NO. 3336

Mr. COBURN. I ask again unanimous consent to call up amendment No. 3358, and immediately after it is called up it be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3358 to amendment No. 3336.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Senate to be transparent with taxpayers about spending)

At the appropriate place, insert the following:

SEC. _____. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (http://www.senate.gov/) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

Mr. COBURN. I thank my colleague from Montana.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

AMENDMENT NO. 3342 TO AMENDMENT NO. 3336

(Purpose: To amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes)

Mr. BAUCUS. I ask unanimous consent to set aside the pending amendment and call up amendment No. 3342 offered by Senators WEBB and BOXER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. WEBB and Mrs. BOXER, proposes an amendment numbered 3342 to amendment No. 3336.

Mr. BAUCUS. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in the RECORD dated March 1, 2010, under ''Text of Amendments.'')

AMENDMENT NO. 3338

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 3338, as further modified, offered by the Senator from South Dakota, Mr. THUNE.

Who yields time? If no one yields time, time will be charged equally.

The Senator from Montana.

Mr. BAUCUS. Mr. President, the first two votes will be on the Thune amendment and the Grassley amendment. The Thune amendment has its heart in the right place. It is trying to help small businesses and provide jobs. But, frankly, it has two very significant problems. Therefore, I urge it not be adopted.

First, it makes permanent many provisions of the tax law that actually should be considered in tax reform. This is not the place to be writing tax reform. Our code is riddled with inconsistencies. Many of the provisions in the code fit together. Some don't. There are loopholes. There is a lot of overhaul needed, if we are going to have significant tax reform. We should address those issues at the right time and the right place but not here. It does not make sense to make certain provisions in the Tax Code permanent.

The second flaw is, to pay for his provisions, Senator THUNE uses excess stimulus funds, funds out of the Recovery Act. The CBO says the Recovery Act is working well.

Last month CBO issued its report on the effects of the Recovery Act in the fourth quarter. In that report, CBO said:

CBO estimates that in the fourth quarter of calendar year 2009, the [Recovery Act] added between 1 million and 12.1 million to the number of workers employed in the United States, and it increased the number of full-time-equivalent jobs by between 1.4 million and 3 million.

They say the Recovery Act created or saved between 1 and 3 million jobs. That is why we need to defeat efforts such as those of the amendment offered by the Senator from South Dakota. The Recovery Act is working. Most economists say it is working. If it is working, we should let it continue working. We should not take away dollars from it.

I urge the Thune amendment not be adopted.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Who yields time in favor of the amendment?

Mr. BAUCUS. I don't see Senator THUNE. It may be a bit presumptuous, but I ask unanimous consent that the time be yielded back, although it is not my place to make that request.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAUCUS. Mr. President, I understand he is on his way.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I was going to inquire of the chairman if he had locked in a speaker after the vote.

Mr. BAUCUS. No, it has not been locked in, but I will do so right now. I ask unanimous consent that the Senator from North Dakota, Senator DORGAN, be recognized to speak immediately after the next series of votes and that the Senator from New Hampshire, Mr. GREGG, be recognized to speak thereafter.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

All time has expired.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending Thune amendment violates section 311 of the Congressional Budget Act.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I move to waive the applicable section of the Budget Act with respect to the amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 61, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—38

Alexander	Bunning	Corker
Barrasso	Burr	Cornyn
Bennett	Chambliss	Crapo
Bond	Coburn	DeMint
Brown (MA)	Cochran	Ensign
Brownback	Collins	Enzi
Graham	LeMieux	Sessions
Grassley	Lugar	Shelby
Gregg	McCain	Snowe
Hatch	McConnell	Thune
Inhofe	Nelson (NE)	Vitter
Isakson	Risch	Wicker
Kyl	Roberts	

NAYS—61

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johanns	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NOT VOTING—1

Hutchison

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment fails.

AMENDMENT NO. 3352

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate prior to a vote in relation to amendment No. 3352 offered by the Senator from Iowa, Mr. GRASSLEY.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose the Grassley amendment for two reasons. I oppose it reluctantly. Senator GRASSLEY is a very decent man. His heart is almost always in the right place. It is in the right place here, but I oppose this amendment.

First, the amendment seeks to extend a stopgap measure for the payments of doctors under Medicare, but we should not prolong stopgap measures. We should pass a short-term stopgap, and then we should make meaningful payment reform for the payment of doctors under Medicare. That is what doctors want. That is what would be very much in the best interests of seniors, and that is the responsible way to govern.

Second, the Grassley amendment takes its offsets away from the underlying health care bill; that is, the bill we are trying to pass in this next several weeks. Thus, it would undercut health care reform. We need the savings we included in the health care bill, especially the health reform bill. We should not be robbing the health care bill of its offsets. For those reasons, I oppose the Grassley amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first, I ask unanimous consent to add Senators BOND and BENNETT as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, my amendment extends critically needed Medicare provisions for all of 2010, not just part of it. It replaces the provisions that are not fully offset with fully offset provisions, and it adds an additional 3 months for the physician update through the end of 2010. This amendment draws additional funds from the Medicare improvement fund to ensure these provisions are fully offset.

My friend from Montana said that is not the place to take the money from, but his substitute amendment takes money from the very same fund. I take a little bit more, yes, but I don't think a few billion in funding needed here will make much of a difference when it comes to the $2.5 trillion cost of health care reform, as was suggested earlier. So I don't see that as a valid argument for not paying for these Medicare provisions.

Going back to the situation at hand, the 30-day extension that passed last night only prevents payment cuts until the end of March. Physicians and Medicare beneficiaries need to have certainty and be ensured access to care. This is the fiscally responsible way to pay for these important Medicare provisions.

We need to pass this very essential amendment now, so I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time do I have remaining?

The PRESIDING OFFICER. There is 57 seconds remaining.

Mr. BAUCUS. Mr. President, this is very simple: $10 billion is $10 billion. This amendment takes $10 billion away from health care reform. We must pass health care reform this year, and we need the dollars we can get. Ten billion dollars is a lot. Right now, as we are trying to put this bill together, we are very close to making sure this budget is deficit neutral. In fact, we would like it to be better than deficit neutral. This $10 billion counts. We should not rob health care reform in order to pay for an extension of the doc fix that is not needed at this time. We will take care of the doc fix after we take care of health care reform.

Mr. GRASSLEY. Mr. President, do I have some time?

The PRESIDING OFFICER. The Senator from Iowa has 26 seconds remaining.

Mr. GRASSLEY. Good. I am glad I have 26 seconds. His amendment takes $8 billion away from the Medicare improvement fund, mine takes $10 billion away.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, for all those reasons, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—54

Akaka	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murray
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson	Rockefeller
Burris	Kaufman	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden

NAYS—45

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bingaman	Enzi	Nelson (NE)
Bond	Graham	Nelson (FL)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker

NOT VOTING—1

Hutchison

The motion was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is that following my presentation, Senator GREGG is going to be recognized, or a Republican speaker. I ask unanimous consent that following the Republican speaker, Senator STABENOW be recognized on our side. I do that with the consent of the chairman of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COBELL LAWSUIT

Mr. DORGAN. Mr. President, I wish to discuss two amendments, one of which I have filed and one of which I will file shortly. Before I do that, I have spoken with Senator INOUYE, Senator FEINSTEIN, and some others about something that is very important. It is the settlement of the Cobell lawsuit. The Cobell lawsuit has been in the Federal courts for 13 years. After a long period of negotiation between the Secretary of the Interior, other parts of our Federal Government, and the plaintiffs in lawsuit, there is finally an agreement that has been reached. The agreement would provide $3.4 billion to settle outstanding claims and address issues going back well over 100 years in which the Federal Government was supposed to be taking care of the trust accounts of American Indians. Some of those trust accounts were fleeced, stolen, and mismanaged.

This lawsuit has been going on for a long period. The agreement settles the claims of American Indians who lost their money, lost their assets, and lost their income. Many American Indians have died during the process of this lawsuit.

Now that a settlement has been reached, there is an April 16 deadline. The parties to the settlement agreement set an end date by which the Congress must act, or the parties may return to litigation. My hope is that the Congress will be able to meet that deadline. We really do need to put this issue behind us. It is a sorry chapter in this country's history. For over a century we have mismanaged the property, income, and royalties of American Indians. All of this resulted in the filing of a lawsuit.

I commend the Secretary of the Interior, Secretary Salazar, who has worked so hard to reach this agreement.

Having said that, let me describe two amendments I wish to offer to this legislation. One is an amendment I have offered on a number of occasions over the years. It is important to offer it again this year and get it done.

President Obama mentioned during his State of the Union Address that he wanted this legislation passed by the Congress. It is painfully simple. My amendment says when an American business shuts down its manufacturing plant in this country, locks the doors, fires the workers, and then moves the jobs overseas someplace for the purpose of selling the product they produce overseas back into our country, they should not get a tax break. Yet, under today's Tax Code, they, in fact, are rewarded with a tax break.

This amendment would end that ill-advised tax break and say: You are not going to be rewarded anymore in our Tax Code by shipping jobs overseas and then selling the product back into our marketplace. This should have been corrected long ago. It should be corrected now.

The amendment I filed is amendment No. 3375. My hope is we will be able to debate and vote on this amendment.

I described the other day this issue we have of trying to find new jobs and seeing how we can incentivize the creation of new jobs in our country. About 17 million people woke up this morning in this country without work, without a job, and wanting a job and are going to spend today looking for work and not be able to find it. We are trying to find ways to incentivize the creation of jobs. That bill is the faucet, trying to put more jobs in this economy.

What about the drain? What about all these jobs leaking out of this economy to China and elsewhere? Let me describe some of them, if I might. These are well known. I have told other stories on the floor many times.

Levis, the product of America. America invented Levis. People wear Levis all around the world, except Levis are made virtually everywhere in the world except the United States. They are all gone. We do not make one pair of Levis in the United States. Fruit of the Loom underwear; gone to Mexico; gone to Asia. Samsonite went to Mexico, then to China. Maytag now makes their appliances in Mexico and Korea. Hershey's chocolate. You know, Hershey's chocolate advertises York Peppermint Patties and they say: The cool, refreshing taste of mint dipped in dark chocolate will take you miles away. Well, apparently so many miles it ends up in Mexico—Mexico.

I have mentioned often the cookies made by the Nabisco Company—Fig Newtons. If somebody says to you: How about going to have a Mexican dinner, just buy a package of Fig Newtons. They left New Jersey and went to Mexico. I don't know if it is cheaper to shovel fig paste in Mexico than it is in New Jersey, but it is made by a company called Nabisco. You know what that stands for? The National Biscuit Company. Except the national biscuit, in this case, is made in Mexico.

Well, the list goes on and on and on. Hallmark Cards. Hallmark Cards was here for a century—a privately held Kansas City, MO, company, founded by a high school dropout who started the company in 1910 with a shoebox full of postcards. He made a living by selling them while working out of a YMCA in Kansas City, and it became an unbelievably successful greeting card company. All of us know that. Under its current management, despite annual revenues, I understand, of over $4 billion, they started to move jobs from Kansas City to three plants in China. You know, the company who cares enough to send you the very best? In this case, it sends you the very best from China.

My point is that I understand there are a whole lot of companies going to search for people who work for 50 cents an hour and whom they can work 7 days a week, 12 to 14 hours a day, and that is better for their bottom line. It enhances their profit when they can do that. But when they leave America, deciding they are going to produce Etch A Sketch in Shenzhen, China, and then ship it back to a Walmart here in the United States to sell—when that happens, and that town in Ohio that was known for producing Etch A Sketch, the little toy that all of us have used as a child—we ought not be saying good for you, we will give you a tax break.

When the Radio Flyer little red wagon—the wagon we have all ridden in, started by a guy in Chicago, and for 110 years they made Radio Flyer little red wagons in the United States—when they moved the production of little red

wagons to China, we shouldn't give a tax break for those that are sold back into this country—a company that moves their jobs elsewhere in order to produce and then sell back into our country. We ought to say: You know what, you are not going to get a tax break for that.

Let me give an example of two companies, and two companies that make bicycles; all right? They are made in factories that are on the same street corner but on different sides of the street. One is called Huffy Bicycles. Most people have known the Huffy Bicycles and ridden them in their youth. The other is ABC Bicycle, hypothetically. Huffy Bicycles decides they are paying $11 an hour to their American workers, plus benefits, and they think that is way too much to pay an American worker so they leave America and go to China. And by the way, that is true. They did. The other company stays here and says: No, we are going to keep our American workers and keep our American plant open and keep these jobs in America. What is the difference between the two? When they are competing at Sears or Walmart or Kmart in this country, what is the difference between the two bicycles? Well, one was rewarded with a tax break because their production was sent overseas, and the other has a competitive disadvantage because it was made here by American workers. And that ought not stand.

This President asked during his State of the Union Address for us to plug this hole. It raises money, reduces the Federal budget deficit and finally says to American workers: We are on your side. We are not going to give a tax break to companies that ship their jobs overseas and sell their products back in America.

It is a very simple amendment. I don't know anyone who would wish to vote against this amendment. Yet, interestingly enough, I have offered it for many years and have not been successful for a number of reasons. Occasionally, we have had a vote, but most often it gets thrown off in a parliamentary procedure of some type. But this is a bill that is open to amendment on revenue issues, and my hope is that at last—at long, long last—at a time when so many millions of Americans wish they had a job and don't, at a time when we still have so many companies moving their jobs away from our country to other countries only to sell back into our country that which they made in China or elsewhere, my hope is that finally we will say we won't allow this to happen any more with a reward in our Tax Code for those that do it.

I was on an airplane a while back, and I sat next to a guy who was wearing casual clothes—sweat pants and so on—and we said hello to each other. I said: Where are you headed? He said: Asia. That is why I am dressed this way; I have 25 more hours of flying. I said: What are you going to do when you reach Asia? He said: Well, I am going to Thailand, Singapore, and I am going to China. He said: What we are trying to do with my company is we are trying to move our jobs from the United States to Asian locations and save some money in the production of these products we make. So I am going out now to Thailand and Singapore and China to scout out locations for our new manufacturing plants in Asia because we are going to move our jobs.

I was sitting next to this guy thinking: You know, there will be hundreds and hundreds of American workers who, that morning, instead of getting on an airplane as he and I did, are going to a manufacturing plant somewhere to make a product for his company, but they don't know yet that he is on an airplane to try to find a way how to move their jobs to Singapore or to China or to Thailand. And isn't that a shame?

Some will listen to this and say: Well, that is just protectionism. Listen, closing a tax break that rewards people from moving jobs overseas isn't protectionism. Keeping that tax break open is, in my judgment, ignorance. Standing up for fair play and standing up for American jobs is not protectionism, it is doing everything we ought to do to be supportive of the kind of economy we want and the kind of good jobs we want in this country's future.

That is one amendment. The second amendment deals with an issue that most people, I am sure, can hardly believe their ears when they hear about it. This is an issue I have spoken about previously, and some of this issue has been resolved but not all of it. As is usually the case when something abusive is happening, it gets shut down in part but not in total, because you say: Okay, let's stop it as of this date.

I am talking about something called SILOs and LILOs especially SILOs, or sale-in/lease out transactions. Most people don't know what that means—sale in, lease out. It doesn't mean they aren't smart. It is a title in the Tax Code that describes an activity that was created by some people who wanted to avoid paying U.S. taxes. They want everything America has to offer, they just don't want to pay taxes to their country.

Let me describe what has been happening in the last couple of decades, and this is almost a perfect description of the perversion in our economy and the greed in our economy by some—not all, but by some—who steered this place into the ditch. Here it is: A cross-border lease of Dortmund, Germany's streetcars—a company called First Union Bank, which is now something else because it has been bought two additional times. So First Union Bank in America wants to lease streetcars in Germany. Why would it want to lease streetcars in Germany? Because it wants to run German streetcars? No, because from a German city it can lease the city's streetcars and take those assets in a lease-in/ leaseback transaction and get tax breaks so it can avoid paying U.S. taxes.

Transactions involving streetcars is one thing, but here is a tunnel that one of our American companies bought—a tunnel in Antwerp, Belgium. Think of that, an American company deciding to buy a tunnel in Antwerp, Belgium. Why? Because they like tunnels, know something about tunnels? They don't have the foggiest idea about Belgian tunnels. It is a sale leaseback transaction used to avoid paying U.S. taxes.

But here is one that really struck my interest. Wachovia Bank which, by the way, has now been purchased by someone else. They ended up with a belly full of bad assets. And we ought to ask the question how did that happen? How did it happen that a massive amount of toxic bad assets landed in the belly of this bank—Wachovia Bank? But Wachovia Bank bought a sewer system in Bochum, Germany. Why would Wachovia Bank want to own a sewer in Germany? Because they have people on the board of directors who are experts in German sewers? I don't think so. Do we think maybe they have hired a new class of MBAs who are specialists in sewer valuations in Germany? I don't think so. An American bank wants to buy a German sewer system for the fact that it is a sale and leaseback. The German sewer system is sold to an American bank. Does this bank ever go over and seize possession of a sewer pipe? They never even see a sewer pipe. All they want is a paper transaction so they can depreciate the property to avoid paying U.S. taxes. And in this case it is reported on Frontline that Wachovia Bank saved $175 million by this scam of buying a German city's sewer system. Unbelievable.

By the way, this has been going on for some while before we were able to shut most of it down. I would also say that I often speak of the fact that there are some companies that are now stepping forward to the IRS—I believe about 45 companies have now stepped forward—and said they are willing to pay for the benefits they received, even prior to the time this was shut down. But there are some transactions that were allowed to continue, and we have American companies that continue to get the benefit of those transactions. My position is simple: This is abusive, it is unmitigated greed, and it should have been shut down—all of it shut down. The Internal Revenue Service, by the way, is still going back even beyond that date which was in the Federal law and challenging these in court. In fact, there are a couple of very large companies at this point that are still disputing this and saying these are perfectly reasonable transactions. Shame on them. This doesn't meet a third grade laugh test—an American company picking up a German sewer system.

In fact, one American company bought a city hall from a German town, and the auditor in that town said: Well, we don't understand it, but

if that is what the Americans want to do with their money, God bless them. It wasn't their money. What they were doing was sucking money out of the coffers of this government, because in many cases they are companies that are trying to find every way possible to avoid their Federal tax obligations. Yes, they want all the benefits America has to offer, except they don't want the obligation of paying their full measure of taxes, as most people do.

Most people who go to work in the mornings work an honest day, they come home, and at the end of the year, when it is time, they file their tax return. They have had their withholdings and they pay their taxes to our country, to our government. But there are a whole lot of interests that are much bigger that find ways to send people around the world not only to move their jobs to where they can find 50-cent-an-hour labor, but perhaps while they are there, they might pick up a sewer system to boot so they can avoid paying U.S. taxes. That way they can move your job overseas and avoid paying taxes at the same time, because you get a tax break for shutting your American plant down and moving your American jobs overseas, which I hope to shut down with my first amendment; and then you get a tax break by buying a German sewer system and depreciating it and getting a tax break under the Tax Code.

Both of these amendments deserve to be passed. Both would raise money for the Federal Government, both would reduce the Federal deficit and both have substantial merit. Will I get a vote on these? I hope so. One is now filed and the other will be filed in a short period of time. I hope very much that I will be able to get the opportunity to have a vote here in the Senate and close these tax breaks.

Let me say that there are a whole lot of businesses in this country that are working very hard to make it. Many American businesses have had to steer through very difficult times. This is the deepest recession since the Great Depression, and there are a lot of businesses, large, medium, and small, that are struggling every day to try to navigate through this deep economic abyss. Boy, I give them great credit. Many of these owners have risked their entire life savings to run their business. They get up in the morning and put the key in the door and open their businesses.

So, look, what I want to have happen is for us to recognize good businesses in this country that do the right thing every day—that hire American workers, produce products and strengthen this country's economy. My point is those businesses are at a significant disadvantage if we continue to say to the business across the street: Move to China and produce these products in China and, by the way, we will give you a tax break for doing it. And we say to those who stay here: You know what, you shouldn't have stayed here, because you would have gotten a tax break if you had left. That is exactly the wrong message. What we should do for those who stay is to reward them. They are the heroes. They make up the economy, the foundation, the strength of what America is, instead of rewarding those who do exactly the wrong thing for this country.

These are my two amendments that I would like to offer.

Let me just, finally, say this. I know I get upset sometimes when I talk about the abusive pieces of this tax policy and the abuse, I think, of trade policy that has resulted in the loss of more than 5 million manufacturing jobs. By the way, the loss of 1.5 million manufacturing jobs in the last 12 to 15 months—think of that. Think of 1.5 million households in which someone wakes up and says: I am jobless. I don't have a job anymore. I used to make furniture but that furniture manufacturer is gone. I used to make tool and die machines—gone. You name it.

I told the story the other day on the floor of the Senate about Pennsylvania House furniture, which is such a great example of what is happening in this country. Governor Wendell did everything he could to keep this great furniture company in Pennsylvania. They use Pennsylvania wood, so Pennsylvania House furniture was known as an upscale furniture manufacturer that used special wood from Pennsylvania. Then they were purchased by La-Z-Boy. By the way, La-Z-Boy is also leaving, but that is a different story.

They were purchased by La-Z-Boy, and La-Z-Boy decided they were moving Pennsylvania House furniture to China and just going to ship the Pennsylvania wood to China and put together the furniture and ship the furniture back. Governor Wendell did everything he could to prevent that from happening, but it happened.

The last day of work at the factory where they had spent a century, the craftsmen who put that furniture together got together, and the last piece of Pennsylvania House furniture that came off the manufacturing line every employee in that company gathered around, they tipped it upside-down, and every one of them signed the bottom. Somebody in this country, perhaps, has a piece of furniture they don't quite understand. It has the signature of every last craftsman to work in that manufacturing plant in this country.

That pride of production and contribution to this country is by workers who just want a job, who want a country that does not move its manufacturing jobs elsewhere but values its manufacturing jobs in this country.

In 2008, La-Z-Boy said in the next 2 years it would move 1,050 employees in Dayton, OH, to the plant in the Mexican State of Coahuila. They previously moved other jobs to China, but they did say this:

> We regret the impact the moves will have on the families and lives of those employed affected, and greatly appreciate the contribution each of them made with their dedicated services.

So 1,050 people discovered their jobs were gone. But the same company, then, is the one who moved the Pennsylvania House furniture long before that.

We have a lot to fix in this country, but we will. I am convinced our country's better days are ahead if we make the right judgments. If we pass both of these amendments I have offered, it will make a contribution significantly toward things that matter a lot in American families: good jobs that pay well that give them some confidence in the future.

I suspect I can't ask unanimous consent to pass both pieces, both amendments at the moment, so I will negotiate with the chairman of the committee to see if we can't get votes on both in the days to come.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3382 TO AMENDMENT NO. 3336

Ms. STABENOW. I realize Senator GREGG is up to speak. I do not see him on the floor. I will be only a few minutes, and then I will ask unanimous consent he be recognized after me when he comes to the floor.

Mr. President, in a few moments I am pleased I am going to be offering an amendment that is strongly supported by Members on both sides of the aisle to focus on jobs and investments in equipment for companies that are currently not making a profit—which, unfortunately, is too many across the country right now. We want to make sure they have an opportunity to have the capital they need to be able to grow as well.

I thank Senator HATCH and Senator SCHUMER, Senator CRAPO, Senator SNOWE, and Senator RISCH for working with me on an amendment that would provide companies with an immediate source of capital to make increased investments in our country and spur job creation.

Since the start of the recession in December of 2007, the Nation has lost more than 8 million jobs, as we know. It is an economic tsunami, what has happened to families in this country. The national unemployment rate skyrocketed from 5 percent to 10 percent as companies are forced to cut costs and to lay off workers to remain viable just to keep the ship afloat.

Our State, of course, the great State of Michigan, is much worse since we are at about a 14.6-percent unemployment rate right now, and we certainly are feeling the brunt of what has been happening. These companies also continue to face significant challenges in raising much-needed capital for new investments to be able to keep people working.

This amendment would allow struggling companies of all kinds that do not benefit from other similarly designed incentives—such as bonus depreciation or expanding the NOL carryback period, and other things—to utilize their existing AMT credits based on new investments they make in 2010. So if they make investments, we would allow them to use credits they cannot use right now because those credits can only be used against a profit, and they don't have a profit.

In addition to encouraging companies to increase investments to maintain and expand jobs, the amendment also makes available a badly needed source of capital. We have all been talking about access to capital. This is an important way we can make this available at no real cost to the Federal Government. I think that is what is important about this amendment. AMT credits are actually prepayments of tax which the taxpayer can offset with future tax liability, dollar for dollar. So these are prepayments.

Normally, if they were making a profit they would be able to offset their taxes and maintain additional revenue and capital, but they are not in a position to do that right now. So at some point we, in fact, would be giving them credit, and they would be able to use these credits and be able to keep capital. But they cannot right now. So in a sense we are just moving up the day by which they can access the capital that is available with AMT credits. Since the credits never expire, the proposal merely accelerates when the credits are used.

This amendment would allow companies to be able to cash in their built-up tax credit so they can build factories, buy equipment, and create jobs. Specifically, it will allow companies to utilize their existing AMT credits up to 10 percent of a new investment that they make in a manufacturing facility and in equipment purchased this year, in 2010. No company would be able to claim more than 50 percent of the value of the credit.

To accelerate the economic impact of allowing companies to be able to access this capital and use the credits, the proposal would allow for an expedited refund process similar to current law rules for net operating losses.

A company that elects the 5-year, net-operating year-loss carryback enacted earlier, which I supported strongly, would not be eligible to claim the benefits of this proposal. So it would be only those who cannot access other proposals we put forward because of the critical nature of helping companies not making a profit, being able to help them access capital. The amendment would be offset by improving tax compliance from individuals who receive rental income from properties.

The provision, originally proposed in the President's fiscal year 2009–2010 budgets, would require people who received rental income on real estate to be subject to the same information reporting requirements as taxpayers who receive income from a trade or business.

This proposal would benefit a broad range of companies, including airlines, manufacturers, energy companies, high-tech companies—across the board, companies large and small that currently find themselves in a position where they are not making a profit but have built up these prepaid credits.

We have support from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Association of Manufacturing Technology, Association of Equipment Manufacturers, and Motor and Equipment Manufacturers Association. Some of the many U.S. employers who support the proposal are American Airlines, Applied Micro Devices, Arch Coal, Associated Builders and Contractors, Bosch, Cliffs Natural Resources, CMS Energy, Consul Energy, Delta Airlines, Daimler, General Motors, Goodyear, Micron, National Mining Association, Owens Illinois, Peabody Energy, Qwest, T-mobile, and Xerox.

These are all major companies employing thousands, tens or hundreds of thousands of people who are needing access to capital. They have prepaid these credits. They need access to capital now so they can maintain their workforce and, hopefully, expand it and invest in the equipment that will allow them to grow.

This amendment, again, is one that has broad bipartisan support. It will allow us to essentially move forward the ability for companies to use these AMT credits that they have already paid into, the dollars they have already paid. This is something that will allow companies to get the equipment, the tools that are necessary; so as they are using that jobs credit we passed and hiring people or continuing to be able to grow and invest in the business and keep the employees they have, that they will be able to get some assistance within the legislation we are passing.

Again, let me just indicate that I very much appreciate colleagues who have joined me. Senator HATCH, Senator SCHUMER, Senator CRAPO, Senator SNOWE, Senator RISCH, and we have others, I know, who are very interested in joining us as well.

I believe at this point I have not heard for sure if we are in a position to actually call up the amendment at this point.

At the moment, if we are in a position to call up the amendment? I am looking to staff to determine whether we are in a position to do that at this point? We are? All right.

Then, Mr. President, I ask unanimous consent the pending amendment be set aside, and I will call up amendment No. 3382.

Mr. BAUCUS. Mr. President, I don't know that we are in that position yet at this point.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3382.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. HATCH, and Mr. SCHUMER, proposes an amendment numbered 3382 to Amendment No. 3336.

Ms. STABENOW. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain American jobs through new domestic investments, and for other purposes)

At the end of title VI, add the following:

SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means with respect to any taxable year beginning in 2010, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

''(B) INTERIM ELECTIONS.—Until such time as the Secretary prescribes a manner for making an election under this subsection, a

taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, any corporation's allocable share of any new domestic investments by a partnership more than 90 percent of the capital and profits interest in which is owned by such corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect shall be considered new domestic investments of such corporation for such taxable year.

''(7) NO DOUBLE BENEFIT.—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

''(9) TERMINATION.—This subsection shall not apply to any taxable year that begins after December 31, 2010.''.

(b) QUICK REFUND OF REFUNDABLE CREDIT.—Section 6425 is amended by adding at the end the following new subsection:

''(e) ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation's AMT credit adjustment amount determined under section 53(g) for such taxable year.''.

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

SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services, if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3335, AS MODIFIED

Ms. LANDRIEU. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 3335 for the purposes of modification only.

I have already spoken about the amendment at length. I have already submitted a lot of documents to the RECORD about the importance of this amendment. But to recap, the amendment I am offering on behalf of myself and Senators VITTER, COCHRAN, and WICKER is an amendment that will help the recovery effort of the gulf coast, particularly as it relates to Louisiana, Mississippi, and Alabama.

If we do not get this amendment on this bill or the next bill—I prefer it on this bill—we will literally shut down 7,000 units that are under construction today of low-income and moderate housing along the gulf coast, from Mobile to Waveland to Gulfport to New Orleans, all the way over to Cameron Parish, the entire gulf coast. Many people witnessed the terrible catastrophe that happened in our State just 4½ years ago, and we will be marking the fifth anniversary of Katrina. The wounds seem a little bit fresh watching the scenes from Haiti and Chile. The situation in Haiti is much more disastrous in many ways than what happened in the gulf coast, but we most certainly went through our own horrors. Five years seems like a long time, but when you are digging out of rubble such as we see happening right now and when the flood waters don't recede, in some places for 3 months, and people can't return to their neighborhoods for 9 months, you can understand why it has taken us a little time to rebuild some of this housing. It has taken longer than we ever imagined.

In addition, despite the fact that we have worked as hard and as fast as we can, in the middle of rebuilding some of these multifamily units—we are trying to build them better, smarter, and more energy efficient, in a much better way than they were before for both public housing and low-income housing—the market collapsed, which is not the fault of the people of Louisiana. We don't work on Wall Street. We don't live on Wall Street. We are just busy trying to build our communities back. Wall Street collapses.

As a result, tax credits, which the Congress was so generous to give us some years ago to do this work, if we don't get this extension of a placed-in-service date, the developers—which includes the Catholic Church, nonprofit developers, not just for-profit developers—will lose their opportunity to sell these credits in the marketplace for the financing necessary to finish construction. That is sort of the long and short of it.

I am not here asking for additional credits. We are grateful, those of us from the Gulf Coast States, for what the Congress has already given us. But if this amendment, a 2-year extension, is not attached to this bill, 7,000 units currently under construction and we estimate about 13,000 jobs along the gulf coast will be lost.

So since this is a jobs bill, I thought it would be a good place to put this amendment because it will save 13,000 jobs, building great apartments for rent and purchase that our people need in the gulf coast. That is what the amendment does.

I ask unanimous consent for the amendment to be modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend for 2 years the low-income housing credit rules for buildings in GO Zones, and for other purposes)

On page 268, between lines 11 and 12, insert the following:

SEC. _____. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

SEC. _____. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

Ms. LANDRIEU. At the appropriate time, I will call up the amendment for a vote and further debate. I wished to make sure we have the modification in. I have now suggested a pay-for for it. I again thank Members for being helpful to us. We thought actually these units would be finished by now. Of course, the people trying to move into them want them to be finished. But between us trying to get ourselves organized after the catastrophe and then with the market collapsing, we need additional time. That is all this amendment does.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3368 TO AMENDMENT NO. 3336

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 3368.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 3368 to amendment No. 3336.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks)

At the appropriate place, insert the following:

TITLE _____—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. _01. DEFINITION.

In this title, the term ''earmark'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. _02. RESCISSION.

Any appropriated earmark provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year.

SEC. _03. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, the year when the funding expires, if applicable, and recommendations and justifications for whether each earmark should be rescinded or retained in the next fiscal year;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator COBURN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I have offered an amendment to take a small step toward addressing the growing problem of the Federal deficits. The underlying bill we are considering would extend many vitally important programs, including various tax provisions, unemployment benefits, COBRA health benefits, and other provisions to help the millions of Americans who have lost jobs or who are struggling in this economy to get back on their feet again. While I support these provisions, I am disappointed the bill is not fully paid for. My amendment will not cover the whole cost of the bill, but it will make a small dent as we try to get our financial house in order and make the tough choices to avoid hamstringing future generations with this debt.

There is no single or easy solution to the massive deficits we face, but one thing we should be doing is taking a hard look at the Federal budget for wasteful or unnecessary spending. Hard-working American families have to make these kinds of decisions every week to make ends meet, whether it is skipping a trip to the movies or clipping coupons or paying attention to the sale ads. But in the end, by cobbling together a series of small actions, they try to get their budget back in line. I think we in Congress should be doing the same thing.

My proposal to rescind old, unwanted transportation earmarks would bring down our deficit by a modest sum by Washington, DC, standards—around $600 million and perhaps a few billion dollars over time. But this is real money back in Wisconsin and one step on a path that is going to have to include many additional cuts.

I have put together a number of proposals for where we should begin tightening our belt, including the one for this amendment in a piece of legislation I introduced last fall called the Control Spending Now Act. The combined bill would cut the Federal deficit by about $½ trillion over 10 years.

This amendment that is before us now would build off a proposal put forward in President George W. Bush's fiscal year 2009 budget proposal to rescind $226 million in highway earmarks that were over a decade old and still had less than 10 percent of the funding utilized. Transportation Weekly did an analysis of these earmarks at the time. They found that over 60 percent of the funding—$389 million—was in 152 earmarks that had no funding spent or obligated from them. These clearly are either unwanted or a low priority for the designated recipients. This is nothing against transportation funding either. I fully realize the need for investment in our crumbling infrastructure and its potential for job creation in hard-hit segments such as construction, but having hundreds of millions of dollars sit untouched in an account at the Department of Transportation does nothing to address our infrastructure needs and it does nothing to put people back to work.

So what I have done is build on President Bush's concept a little. My amendment expands this rescission to all transportation earmarks that are over 10 years old with unobligated balances of more than 90 percent. At a hearing recently before the Budget Committee, I asked Transportation Secretary Ray LaHood about these unwanted and unspent earmarks and whether he supported my proposal to rescind them. Secretary LaHood responded:

The answer is, yes, we are supportive of your proposal, and we have identified significant millions of dollars' worth of earmarks.

It is unclear exactly how many hundreds of millions or even billions of dollars could be saved by this proposal being expanded to other transportation earmarks in addition to the previous estimate of $626 million that would be rescinded from unwanted highway earmarks in the first year. This proposal would also be permanent so there would likely be additional savings as the unwanted earmarks in the most recent highway bill reach their 10-year anniversary.

I think this is a very modest proposal, going after just the lowest of the low-hanging fruit, and I would support going even further to make it cover all Federal agencies. But with the uncertainty about how many of these unwanted and unspent earmarks there might be across the whole Federal Government, my amendment simply requires an annual report by the OMB to collect information from each agency and include recommendations on whether these other unobligated earmarks should also be rescinded.

So as my colleagues can see, there is bipartisan support from the last two

administrations for this proposal, and there is bipartisan support in this Senate for this amendment. This shouldn't be a hard decision, and I hope to have more strong bipartisan support in the Senate. If we can't agree to take old earmarks that no one wants and use the money to pay down the deficit, then how are we ever going to get our fiscal house in order?

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3391 TO AMENDMENT NO. 3336

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so that I may call up my amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. BROWN] proposes an amendment numbered 3391 to amendment No. 3336.

Mr. BROWN of Massachusetts. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a 6-month employee payroll tax rate cut, and for other purposes)

At the end of title I, add the following:

SEC. 103. EMPLOYEE PAYROLL TAX RATE CUT.

(a) IN GENERAL.—For the 6-calendar-month period beginning after the date which is 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall reduce the rate of tax under section 3101(a) of the Internal Revenue Code of 1986 and 50 percent of the rate of tax under section 1401(a) of such Code by such percentage such that the resulting reduction in revenues to the Federal Old-Age and Survivors Insurance Trust Fund is equal to 90 percent of the amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111–5) (other than under title X of such division A) as of the date of the enactment of this Act.

(b) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(c) RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A of such Act (other than under title X of such division A), there is rescinded 100 percent of the remaining unobligated amounts as of the date of the enactment of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

(d) EMERGENCY DESIGNATION.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, this section is designated as an emergency for purposes of pay-as-you-go principles.

Mr. BROWN of Massachusetts. Mr. President, I intend to come back tomorrow and explain the pending amendment and allow my colleagues an opportunity to review the amendment.

I yield the floor.

Mr. BURR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3389 TO AMENDMENT NO. 3336

Mr. BURR. Mr. President, I ask unanimous consent to set the pending amendment aside and to call up amendment No. 3389.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3389 to amendment No. 3336.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide Federal reimbursement to State and local governments for a limited sales, use, and retailers' occupation tax holiday, and to offset the cost of such reimbursements)

On page 268, between lines 11 and 12, insert the following:

SEC. ___. STATE AND LOCAL SALES TAX RELIEF FOR CONSUMERS.

(a) IN GENERAL.—The Secretary shall reimburse each State for 75 percent of the amount of State and local sales tax payable and not collected during the sales tax holiday period.

(b) DETERMINATION AND TIMING OF REIMBURSEMENT.—

(1) PREDETERMINED AMOUNT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall pay to each State an amount equal to the sum of—

(A)(i) 75 percent of the amount of State and local sales tax payable and collected in such State during the same period in 2009 as the sales tax holiday period, times

(ii) an acceleration factor equal to 1.73, plus

(B) an amount equal to 1 percent of the amount determined under subparagraph (A) for State administrative costs.

(2) RECONCILIATION AMOUNT.—Not later than July 1, 2010, the Secretary shall pay to each electing State under subsection (c)(2) an amount equal to the excess (if any) of—

(A) 75 percent of the amount of State and local sales tax payable and not collected in such State during the sales tax holiday period, over

(B) the amount determined under paragraph (1)(A) and paid to such State.

(c) REQUIREMENT FOR REIMBURSEMENT.—The Secretary may not pay a reimbursement under this section unless—

(1) the chief executive officer of the State informs the Secretary, not later than the first day of the sales tax holiday period of the intention of the State to qualify for such reimbursement by not collecting sales tax payable during the sales tax holiday period,

(2) in the case of a State which elects to receive the reimbursement of a reconciliation amount under subsection (b)(2)—

(A) the chief executive officer of the State informs the Secretary and the Director of Management and Budget and the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election,

(B) the chief executive officer of the State informs the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election and the additional information (if any) that will be required as an addendum to the standard reports required of such retail sellers with respect to the reporting periods including the sales tax holiday period,

(C) the chief executive officer reports to the Secretary and the Director of Management and Budget, not later than June 1, 2010, the amount determined under subsection (b)(2) in a manner specified by the Secretary,

(D) if amount determined under subsection (b)(1)(A) and paid to such State exceeds the amount determined under subsection (b)(2)(A), the chief executive officer agrees to remit to the Secretary such excess not later than July 1, 2010, and

(E) the chief executive officer of the State certifies that such State—

(i) in the case of any retail seller unable to identify and report sales which would otherwise be taxable during the sales tax holiday period, shall treat the reporting by such seller of sales revenue during such period, multiplied by the ratio of taxable sales to total sales for the same period in 2010 as the sales tax holiday period, as a good faith effort to comply with the requirements under subparagraph (B), and

(ii) shall not treat any such retail seller of tangible property who has made such a good faith effort liable for any error made as a result of such effort to comply unless it is shown that the retailer acted recklessly or fraudulently,

(3) in the case of any home rule State, the chief executive officer of such State certifies that all local governments that impose sales taxes in such State agree to provide a sales tax holiday during the sales tax holiday period,

(4) the chief executive officer of the State agrees to pay each local government's share of the reimbursement (as determined under subsection (d)) not later than 20 days after receipt of such reimbursement, and

(5) in the case of not more than 20 percent of the States which elect to receive the reimbursement of a reconciliation amount under

subsection (b)(2), the Director of Management and Budget certifies the amount of the reimbursement required under subsection (b)(2) based on the reports by the chief executive officers of such States under paragraph (2)(C).

(d) DETERMINATION OF REIMBURSEMENT OF LOCAL SALES TAXES.—For purposes of subsection (c)(4), a local government's share of the reimbursement to a State under this section shall be based on the ratio of the local sales tax to the State sales tax for such State for the same time period taken into account in determining such reimbursement, based on data published by the Bureau of the Census.

(e) DEFINITIONS.—For purposes of this section—

(1) HOME RULE STATE.—The term ''home rule State'' means a State that does not control imposition and administration of local taxes.

(2) LOCAL.—The term ''local'' means a city, county, or other subordinate revenue or taxing authority within a State.

(3) SALES TAX.—The term ''sales tax'' means—

(A) a tax imposed on or measured by general retail sales of taxable tangible property, or services performed incidental to the sale of taxable tangible property, that is—

(i) calculated as a percentage of the price, gross receipts, or gross proceeds, and

(ii) can or is required to be directly collected by retail sellers from purchasers of such property,

(B) a use tax, or

(C) the Illinois Retailers' Occupation Tax, as defined under the law of the State of Illinois, but excludes any tax payable with respect to food and beverages sold for immediate consumption on the premises, beverages containing alcohol, and tobacco products.

(4) SALES TAX HOLIDAY PERIOD.—The term ''sales tax holiday period'' means the period—

(A) beginning on the first Friday which is 30 days after the date of the enactment of this Act, and

(B) ending on the date which is 10 days after the date described in subparagraph (A).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) STATE.—The term ''State'' means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

(7) USE TAX.—The term ''use tax'' means a tax imposed on the storage, use, or other consumption of tangible property that is not subject to sales tax.

SEC. _____. RESCISSION OF DISCRETIONARY AMOUNTS APPROPRIATED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) IN GENERAL.—All discretionary amounts made available by the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; Public Law No: 111–5) that are unobligated on the date of the enactment of this Act are hereby rescinded.

(b) ADMINISTRATION.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) administer the reduction specified in subsection (a); and

(2) submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report specifying the account and the amount of each reduction made pursuant to subsection (a).

Mr. BURR. Mr. President, I am going to set this amendment aside and talk on it later.

I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3390 TO AMENDMENT NO. 3336

(Purpose: To provide an emergency benefit of $250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of cost-of-living adjustment for such year, to provide an offset using unobligated stimulus funds, and for other purposes)

Mr. BURR. Mr. President, I call up amendment No. 3390.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 3390 to amendment No. 3336.

Mr. BURR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BURR. Mr. President, there is an amendment pending by Senator SANDERS to offer a $250 stipend to seniors, veterans, and those disabled to replace the lack of a cost-of-living increase, a COLA increase. As we are all aware, the formulas that drive the cost-of-living increase are predominantly affected by inflation. With the lack of inflation, seniors, veterans, and the disabled did not receive a cost-of-living increase for this year.

Senator SANDERS' amendment is very clear. He wants to provide a $250 stipend. That has broad-based support within the Senate body, but I think it is responsible to say that to do this, we should pay for it. To do this, we should not print more money, borrow that money just to provide a $250 check. I think most of our Nation's seniors, veterans, and disabled would agree with that statement.

To ignore the fact that we are not paying for it would be to say that we are going to pass this stipend on to our children and our grandchildren; that we are going to take the money we are going to borrow and the debt and the obligation for that debt and we are going to pass it generationally down. As a parent of a 25-year-old and a 24-year-old, I do not think they deserve it. At some point, I hope they are both going to have children, and I do not think their children deserve for me to shove this down. And I think most Members of the Senate probably agree that it is time we start paying for it.

How does this get back? Senator SANDERS makes this an emergency declaration to spend. We have a lot of priorities, and there is probably not a priority that does not deserve us to pay for it, to find somewhere where we have prioritized and decided, here is how we are going to pay for it, versus to continue to go out and borrow.

Let me remind my colleagues, we have the largest debt we have ever had. It continues to climb every day. Of every dollar we spend, we borrow 43 cents. Over the next 10 years, right now our country is obligated at $5 trillion in interest payments. That is trillion with a ''t.'' I am reminded that the most popular bumper sticker in Washington today is ''Don't tell Congress what comes after a trillion.'' I am not sure we know yet. At the rate we are going, we are going to find out. Do you know who is going to be saddled with that debt? It is going to be our children and our grandchildren. Nobody wants to leave our seniors, our veterans, and the disabled without the means they need to live. But I think even the people who are the recipients of these checks would look at us and say: Pay for it; don't put it on my grandchildren or my great grandchildren.

My amendment No. 3390 is very simple. It says this: Pay for the $250 stipend and use the unobligated stimulus money, the money we have already appropriated. We cannot borrow it twice; we can only borrow it once. Use the unobligated stimulus money, a little over $14 billion—I think it is about $14.4 billion—to pay for the stipend. Let's do the COLA, but let's, in fact, make sure that COLA is paid for. The amendment is almost identical to Senator SANDERS' amendment which provides the emergency benefit; it just pays for it. I don't think there is anything unreasonable on that. The Congressional Budget Office estimates the cost of the Sanders amendment to be at 12.7 billion. I understand the Sanders amendment was modified, so that might be slightly higher. Millions of seniors and veterans are struggling on fixed incomes in this troubled economy. This amendment also provides them the ability to get through those tough times but it also gives them the comfort of looking at their grandchildren and their great-grandchildren and saying: I am not a burden on you because this was paid for. We accounted for it.

Senator BUNNING came to the floor yesterday—I think we were talking about $10 billion yesterday—and he said: How can a country this great not find a way to pay for $10 billion? Well, we didn't. And as that makes its way through, we are going to borrow that $10 billion, and that $10 billion is going to equate to $10 billion of interest payments over the next 10 years. Let me say that again. What we did yesterday is going to compute to $10 billion worth of interest payments over the next 10 years. No payment down of principal, just an obligation of interest on the debt.

Maybe some are smart enough here to tell me exactly what the interest rates are going to be in the open marketplace as we finance our debt 3 years, 5 years, 10 years down the road. I don't think it is going to be where it is today. There is every indication it is going higher. So when I state the number $5 trillion over the next 10 years, you have to understand that is a static interest rate that we have applied to it. It is 3.45, is the projection of the Congressional Budget Office. And they

have said if it averages at this point, then we are going to, as a nation, owe $5 trillion, if we didn't borrow another dime. Well, not only do we continue to borrow money, but the likelihood is, with the economic conditions and with the fragile nature of the international economy, anybody who buys our debt, anybody who loans us their money is probably going to want to require more than 3.45 percent to take the risk. When countries such as Greece are on the precipice of default, it drives the international market up. It drives the cost of risk up. It will drive the cost of our risk up. What is $5 trillion today—we might not borrow another dime—may end up being next week, next month, next year $10 trillion over 5 years, just with the change in interest rate; just with what it costs us to go out and attract somebody to loan us this money.

I think I have given us a best-case scenario of saying we owe $5 trillion in the next 10 years. Excuse me, $5 trillion plus 10 more billion that we spent last night. The question is: Today, are we going to add another $14 billion to it? That is the decision in front of the Congress. My amendment, No. 3390, provides a $250 stipend. What it does that the Sanders amendment doesn't do, is it pays for it. It assures every recipient—senior, veteran, disabled person—that they are not putting the obligation of their check on their grandchildren and their great grandchildren; that we are taking the responsibility now to fund that.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, the Baucus substitute amendment gives preferential treatment to the extension of three programs: unemployment insurance, COBRA, and what is known as FMAP, which is the Federal Government's aid that it provides to States in the payment of Medicaid. These are laudable things to do, especially in this difficult economic environment. In my home State of Florida, we have nearly 12 percent unemployment. It is the highest anyone can remember, and people are struggling. So these are laudable things to do. The challenge is we are not going to pay for these spending programs. We are going to put them on the backs of our children and grandchildren, as my colleague Senator BURR remarked in his comments.

A couple of weeks ago, we passed a bill here in the Senate called pay-go, and the President just signed this bill into law. I struggled with my vote on pay-go, being a new Member to the Senate and being very concerned about spending, and I thought about voting for it. I thought about voting for it because anything that cuts spending around here, on its face, seems like a good idea to me. But the challenge for me came in learning from some of my colleagues that we don't enforce pay-go. They came to me and said: Look, they are not going to use this as a real measure to control spending. So the bill passed along party lines. And although I didn't support it, I hoped for the best.

But here we are, a couple of weeks after the President signed the pay-go law, and I want to remind the Senate of the comments of Majority Leader REID upon arguing for the passage of the bill. He said: This pay-go—pay-as-you-go rule—we are proposing for the government is the same one Americans use every day in their individual lives; the same ones we teach our children. In order to spend a dollar, we have to have that dollar in our wallet. This law will enforce that commonsense approach.

Sounds reasonable. Sounds like the right thing to do. The President, when he signed the law, said: You have to make hard choices about where to spend and where to save.

Well, here we are, a few weeks later, and unfortunately the prediction of my colleagues that this was not a true enforcement mechanism on spending has come true. Because we are going to designate the extension of these three programs as emergencies. They are emergencies. And if they are emergencies, then we don't have to make them play by the rules. We don't have to cut spending in order to pay for these programs.

Unfortunately, we seem to designate whatever we choose as an emergency and, therefore, we don't have to do the things Leader REID said. We don't have to do the things President Obama said. But families sitting around their tables who have bills to pay can't say: This is an emergency; therefore, I can go and spend money I don't have. Families can't do that. Businesses can't do that. Even State governments, that have to balance their budgets, can't do that.

So what is an emergency? What does the law tell us is proper to designate? Certainly we could think of circumstances that could be an emergency: a situation of war, the financial meltdown we had a couple of years ago. Certainly things such as that would justify being an emergency. Well, the Budget Act of 1974 lays out five different criteria that must be met. First, necessary, essential, or vital; second, sudden, quickly coming into being and not building up over time; three, an urgent pressing and compelling need, requiring immediate attention; four, unforeseen, unpredictable, unanticipated; five, not permanent, temporary in nature.

None of these three extensions is that. We saw these coming. To say this is an emergency is like putting $5 of gasoline in your car and then running out of gasoline and saying: I have an emergency. I couldn't foresee that the $5 wasn't going to get me very far.

Again, these are laudable programs, and the point of order I am about to make is not going to stop this going forward. All it is going to say is that you can't declare something an emergency that is not an emergency, and that we should pay for this by the end of the year. What a commonsense idea to bring to Washington and perhaps to the Congress, that we pay for the programs we decide need funding, that we don't balance it on the backs of our kids and grandkids. As Senator BURR said, we shouldn't borrow $10 billion to spend $10 billion. The spending in Washington is unsustainable.

Let's do these good programs, but let's take a novel approach and let's pay for them.

Mr. President, at this time I wish to make a point of order. Pursuant to section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I raise a point of order against the emergency designation provision contained in the pending substitute amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the substitute amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. BAUCUS. Mr. President, this is a killer motion the Senator from Florida is making. This amendment kills jobs. This amendment tells people who are currently unemployed: You are not going to get an unemployment check. This amendment tells people who are trying to get health insurance under COBRA: Sorry, no more. This amendment tells doctors who are trying to take care of patients, Medicare patients, that they are not going to get paid what they should be paid.

Let me give a few numbers. Our legislation will help half a million workers who lose their jobs get help under COBRA. That is the health insurance substitute provision for those who have lost their jobs. But the amendment of the Senator from Florida says to those half a million workers who lose their jobs today that they will not get insurance benefits under COBRA.

This amendment also will have the effect, if adopted, of preventing nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries from getting access to their doctors—40 million seniors and about 9 million military personnel under TRICARE.

This amendment will also prevent 400,000 Americans from getting unemployment insurance benefits.

That is just for starters. This motion, if adopted, is not a poison amendment, it is a killer amendment. It kills the bill we are trying to pass in a short period of time. The bill is basically to extend unemployment benefits, to extend the COBRA benefits, and to make sure that people who should get relief under current law are able to maintain that.

This is very similar to the situation we faced because of efforts of the Senator from Kentucky not long ago. We finally resolved that. That was a 30-day extension, and the Senate voted 78 to 19 to continue those benefits under that 30-day provision. The Senator from Kentucky tried to stop it. Finally, the Senator relented and the Senate agreed by a vote of 78 to 19 that we should proceed, and it passed that 30-day continuation.

This is an emergency. We are now in an economic emergency. Unemployment is close to 10 percent. This economy is still in a recession. It is slowly getting better, but if this amendment were to pass—if the amendment offered by the Senator from Florida were to become law—then, frankly, think of the signal that would send to Americans who are now relying upon COBRA benefits and unemployment benefits.

This point of order is a killer, and that is why we need to waive the budget point of order so we can vote for a bill that would come before us later on this evening. I urge Senators, when the vote comes on this waiver, that we waive the budget point of order, because otherwise the provision of the Senator from Florida will send a terrible signal to millions of Americans.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. With all due respect to my colleague, the chairman of the Finance Committee, my point of order will not stop these programs from being extended. What it will do is it will make sure we have to pay for them by the end of the year—a novel idea, that we actually pay for a program. So we will have to look at programs we have now, perhaps, and we cut other programs. Do we not think there is some inefficiency in the administration of the Federal Government? We had a proposal we tried to pass last year to require all the agencies of the Federal Government to cut 5 percent—just 5 percent—when they have had 5, 10, 15 and 20-percent increases year after year after year. Surely governing and leadership is about making decisions.

I voted for the 30-day extension. I want to vote for this bill, but I want to pay for it. I want to make sure we are not borrowing money from the children and grandchildren of Floridians and other Americans to pay for this bill. I want to make sure we are not going to be paying interest to the Chinese to pay for this bill. I think it makes perfectly good sense that we are required, by the end of the year, to find the money to pay for this.

Every dollar we spend is a choice. It is a choice on what we should spend it on. In this body and in this Congress it is a choice, unfortunately, to put a burden upon our children and grandchildren because we spend much more than we have.

I am supportive of extending unemployment compensation. I am supportive of extending COBRA, which is health care. I am supportive of helping out the States with Medicaid payments. All I am asking is let's pay for it. Surely, there is some other program, duplicative in government, inefficiencies we can find to offset this payment.

This is not a killer, this is just responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I hope we can vote on this fairly soon. Basically, let's remind ourselves this is an emergency. We have lost over 7 million jobs in this recession. We are not out of the recession. Unemployment is close to 10 percent. We hope it comes down. This is an emergency and in emergency situations you take emergency action and that is why this legislation is necessary now.

I hope when the economy does recover we have the fortitude to start to live within our means, as we should. Nobody debates that. But we are in a situation now where we have to make sure we extend those benefits and that Medicaid dollars go to the States right now because we are still in an emergency.

I urge, frankly, the motion to waive the point of order. I hope it is successful.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak about 5 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. BURRIS pertaining to the introduction of S. 3065 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENT NO. 3390

Mr. GRASSLEY. Mr. President, in October of 2008, the Social Security Administration, SSA, announced that beneficiaries would receive a 5.8-percent COLA in 2009, the biggest increase since 1982.

This increase was primarily due to record high energy prices. Energy prices have since declined resulting in a 2.1-percent year-over-year decline in the consumer price index, CPI, as determined by the Bureau of Labor Statistics.

Because current law precludes a negative COLA, the SSA announced this past October that there will be no COLA in 2010.

It was also announced that there will be no increase in Medicare Part B premiums for current beneficiaries, except for those with incomes greater than $85,000—single—and $170,000—married.

I understand the concerns about Medicare Part D and Medigap premiums. Unlike Part B premiums—which cannot go up when there is no COLA—these other premiums are not subject to such a restriction.

However, beneficiaries have other options to reduce these premiums. For example, there may be a competing drug plan with lower premiums. I always encourage people to reevaluate their coverage on an annual basis to see if there is another plan that offers the benefits they need at a lower price. Or, there may be a Medicare Advantage plan that covers both prescription drugs and provides coverage similar to a Medigap plan for a lower premium.

As an aside, senior citizens at my town hall meetings frequently ask about congressional COLAs. I remind them that Congress did not receive a COLA this year either. I have consistently voted against automatic COLAs for Congress.

However, I recognize the financial need of many seniors who rely on Social Security. A $250 check would be roughly equal to a 2 percent COLA for the average beneficiary.

Congress enacted the automatic COLA in 1972 in order to provide an objective, nonpartisan way to determine benefit adjustments. The annual COLA has been based on the CPI calculations of the Bureau of Labor Statistics ever since.

Any decision to change, or override, the current process needs to be carefully vetted. History shows Congress has often played partisan politics with Social Security without regard to the solvency of the program or the burden placed on future taxpayers.

I understand the desire to send $250 checks to current Social Security beneficiaries to compensate for the lack of a COLA. But, we are also facing an annual budget deficit in excess of $1 trillion for the second year in a row.

We cannot continue to add to our deficit without any regard to the consequences.

The Sanders amendment fails to include an acceptable way of offsetting the $13 billion cost of this proposal.

The amendment offered by Senator BURR would offset the cost by reducing unspent stimulus funds.

Last year, CBO scored the stimulus bill at $787 billion. But earlier this year CBO revised its estimate to $862 billion.

CBO estimates that we have already spent $200 billion in 2009 and we will spend $400 billion in 2010. That leaves more than $250 billion for future years.

This amendment would simply reduce the unspent balance by $13 billion.

It has been suggested by some on the other side of the aisle that we should not use stimulus money to pay for other things.

They insist the stimulus money is needed to create jobs. Given the fact we have lost nearly 4 million private sector jobs since last year, I doubt the stimulus money has created any net new jobs. But for those who choose to believe government spending can create more jobs than it destroys, CBO says payments that can be made quickly are more effective than those that take a long time.

By that standard, using less effective stimulus dollars to pay for more effective stimulus dollars is the best alternative.

I urge my colleagues to support this amendment which is fully paid for, and reject the amendment of my colleague from Vermont that needlessly increases the deficit.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think we will soon be entering an order to vote on several amendments. I would like to point out the theme of these amendments, most of which are offered by the other side, are to cut back Recovery Act dollars, cut back stimulus dollars, take away stimulus dollars.

We know the stimulus program has created millions of jobs. At least that is what CBO says. Certainly, it has created a great number of jobs. When these amendments come up, I would like all Members to know the basic theme of these amendments is to pay for them by cutting stimulus dollars, which I think is a bad idea. We should not be cutting stimulus dollars. We should be maintaining the Recovery Act and stimulus program. We will soon get an order so we can start voting on amendments.

Mr. President, I ask unanimous consent that at 5:55 p.m. this evening the Senate proceed to vote in relation to the following amendments and the Baucus motion to waive in the order listed, that prior to each vote in the sequence, there be 2 minutes of debate divided and controlled in the usual form, and after each vote in the sequence the remaining votes be 10 minutes' duration.

I might say the 2 minutes of debate, equally divided and controlled, be amended to 4 minutes of debate, equally divided and controlled, with respect to the two Bunning amendments. Those two Bunning amendments are Nos. 3360 and 3361.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, just to make it clear what the amendments are, it is Burr amendment No. 3390; Sanders amendment No. 3353, as modified; Bunning amendment No. 3360; Bunning amendment No. 3361, and Baucus motion to waive the Budget Act.

I thank the Chair.

For the information of all Senators, the first vote will be on the Burr amendment, which is similar to the Sanders amendment. One big difference, that Burr amendment takes stimulus dollars to pay for the Sanders amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are 2 minutes, equally divided, prior to a vote on the Burr amendment.

The Senator from North Carolina.

Mr. BURR. Mr. President, I will take my minute to simply say my amendment does exactly what the Sanders amendment does. It provides a $250 stipend to seniors, veterans, the disabled who did not receive a cost-of-living increase because the inflation formula did not provide one this year. The difference between mine and Sanders is novel—I actually pay for the $14 billion we are paying out to seniors, veterans, and the disabled. I am saying to every recipient of a check, we are not going to bill this to your children and grandchildren, we are going to pay for it now with money that is unobligated but already appropriated by the Congress. I think this is a reasonable approach. I think every Member should support it. We should be pleased we are doing a stipend to seniors, but we should sleep well tonight because we paid for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senate voted yesterday, 53 to 43, against the Bunning amendment to cut back Recovery Act funds for the 30-day extension bill. Earlier today, the Senate voted 61 to 38 against the Thune amendment to cut back Recovery Act funds to pay for tax cuts, and now we have the pending Burr amendment to cut back Recovery Act funds. In all three cases, we turned away those efforts to cut back Recovery Act/stimulus funds. I think we should do the same here, so people can get their benefits—excuse me, so the Sanders amendment gets passed.

Mr. President, I raise a point of order against the emergency provisions in the amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. I move to waive the appropriate provisions in the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—38

Barrasso	Collins	Klobuchar
Bayh	Corker	LeMieux
Bennet	Cornyn	Lincoln
Bennett	Crapo	Lugar
Brown (MA)	DeMint	McCain
Brownback	Enzi	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Murkowski
Chambliss	Hatch	Nelson (NE)
Cochran	Isakson	Nelson (FL)
Pryor	Shelby	Vitter
Risch	Snowe	Webb
Roberts	Thune	

NAYS—59

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Gregg	Reed
Bingaman	Hagan	Reid
Boxer	Harkin	Rockefeller
Brown (OH)	Inhofe	Sanders
Burris	Inouye	Schumer
Byrd	Johanns	Shaheen
Cantwell	Johnson	Specter
Cardin	Kaufman	Stabenow
Carper	Kerry	Tester
Casey	Kohl	Udall (CO)
Coburn	Kyl	Udall (NM)
Conrad	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Dorgan	Leahy	Whitehouse
Durbin	Levin	Wicker
Ensign	Lieberman	Wyden
Feingold	Menendez	

NOT VOTING—3

Bond	Hutchison	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion rejected.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I raise a point of order that the pending Burr amendment violates the pay-as-you-go provisions, of S. Con. Res. 21, 110th Congress, the concurrent resolution on the budget for fiscal year 2009.

The PRESIDING OFFICER. The point of order is sustained.

The amendment falls.

AMENDMENT NO. 3353

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. What is the regular order?

The PRESIDING OFFICER. There is 2 minutes evenly divided with respect to the Sanders amendment No. 3353, as modified.

Who yields time?

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, for the first time in 36 years, seniors and disabled veterans and persons with disabilities will not be receiving a cost-of-living adjustment, a COLA on their benefits. The argument for that is that they are not seeing inflationary costs. Go back home and talk to seniors, talk to disabled veterans. They will tell you they are paying sky-high costs for prescription drugs and health care. This amendment is supported by AARP, the American Legion, the VFW, the National Committee to Preserve Social Security, and a wide number of veterans organizations and senior citizens organizations that know it is wrong to turn our backs on seniors in this moment of economic difficulty.

Mr. LEAHY. Mr. President, Social Security represents a strong commitment to our nation's seniors. Ever since Ida May Fuller of Vermont received the first Social Security check issued, vulnerable seniors have had a safety-net to fall back on in retirement and to supplement individual retirement savings or pensions. Nearly 70

percent of beneficiaries depend on Social Security for at least half of their income, and Social Security is the sole source of income for 15 percent of recipients.

Social Security is an immensely important program, one that has helped millions of Americans stay out of poverty once entering retirement. While facing the rising costs of health care, food and fuel, Social Security has been a successful safety net for more than 70 years. However, for the first time in its history, this year Social Security recipients will not receive a cost-of living adjustment, COLA, due to the economic deflation, rather than inflation, our economy experienced this past year. Since the COLA will not go into effect this year, Congress needs to act to ensure those who need it most will receive this essential benefit.

That is why I was proud to join Senator SANDERS in cosponsoring the Emergency Senior Citizens Relief Act, which would provide all Social Security recipients, railroad retirees, SSI beneficiaries and adults receiving veterans' benefits with a one-time additional check for $250 in 2010, similar to the payment beneficiaries received as a part of the American Recovery and Reinvestment Act passed last year. Today, we have the opportunity to include this important emergency relief in legislation aimed at helping all struggling Americans. This amendment represents our continued commitment to providing a safety net to our nation's seniors and those with disabilities in this uncertain economy.

I urge my fellow Senators to support the Sanders amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this amendment would add billions of dollars to the deficit which would have to be paid for by our children. Of course, the reason the COLA is not being given this year is because the law says it should not be. Therefore, I raise a point of order that the Sanders amendment violates section 403(a) of the budget resolution.

Mr. SANDERS. Pursuant to section 904 of the Congressional Budget Act of 1964 and section 4(g)(3) of the statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 50, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—47

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Lincoln	Udall (NM)
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Franken	Murray	

NAYS—50

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bayh	Enzi	McConnell
Bennet	Feingold	Murkowski
Bennett	Feinstein	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shaheen
Carper	Inhofe	Shelby
Chambliss	Johanns	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Vitter
Collins	LeMieux	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Wicker
Crapo	Lugar	

NOT VOTING—3

Bond	Hutchison	Isakson

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained. The emergency designation is stricken.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I make a point of order that the amendment violates section 201 of S. Con. Res. 21 of the 110th Congress.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 3360

The PRESIDING OFFICER. There will now be 4 minutes equally divided before a vote in relation to the Bunning amendment No. 3360.

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, it is my understanding that there are 4 minutes equally divided on these two amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BUNNING. Thank you, Mr. President.

Amendment No. 3360 is simple. It contains all of the extensions in the Baucus substitute, but rather than adding over $100 billion in cost to the deficit and debt, which the Baucus substitute does, my amendment pays for the spending in this bill by rescinding unspent stimulus funding.

My colleagues on the other side of the aisle have stated repeatedly that CBO considers money spent on extending unemployment benefits to be one of the best kinds of stimulus because the people who receive it are likely to immediately spend it. So let's redirect money from an ineffective stimulus bill in which some of the funding won't be spent until fiscal year 2013 or beyond. Let's stimulate the economy now and prevent a massive increase in the debt at the same time.

I am having a hard time understanding why some Senators believe stimulus funding is so sacred. Was the stimulus brought down from the mountaintop by Moses? If that is the case, why did the majority raid stimulus money to pay for an extension of cash for clunkers?

I will be the first to admit that neither side of the aisle has clean hands when it comes to out-of-control spending. We can't control what was done in the past, but we can control what happens today. It is time to take a stand—a stand for our children and grandchildren so they won't have to pay back trillions more in debt.

I am tired of China holding the mortgage on our country. I am tired of the massive national debt that will be doubled in 5 years and tripled in 10. It is hard for me to look my grandchildren in the eye when I know this generation is handing them a country where they won't have the same opportunities to succeed and prosper as I did. It has to stop.

I urge my colleagues to support my amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUNNING. Mr. President, our spending has to stop.

I urge my colleagues to support my amendment, and I yield back.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this Bunning amendment is the fourth attempt in 2 days to pay for emergency safety net programs by cutting back stimulus spending, by cutting back from the Recovery Act. This is the same amendment. We have voted on this basic topic four times.

Yesterday the Senate voted 53 to 43 against the Bunning amendment to cut back Recovery Act funds for the 30-day extension bill. Earlier today the Senate voted 61 to 38 against the Thune amendment to cut back Recovery Act funds, and just a few minutes ago the Senate voted down the Burr amendment. Now we have the Bunning amendment to cut back Recovery Act funds again to pay for the pending bill.

CBO does say the Recovery Act has added jobs. Between 1 million and 2.1 million jobs have been added to our economy because of the Recovery Act. Just to repeat, the CBO says the Recovery Act added between 1 million and 2 million to the number of Americans employed in the fourth quarter of last year. CBO also says the Recovery Act increased the number of full-time equivalent jobs by between 1.4 and 3 million jobs. The Recovery Act is creating jobs, so I think the last thing we should do is scale back something that

is working. If it is working, don't change it. If it is working, let's continue with it.

I move to table the Bunning amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—56

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NAYS—41

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Wicker
Cornyn	Lugar	

NOT VOTING—3

Bond	Hutchison	Isakson

The motion was agreed to.

AMENDMENT NO. 3361

The PRESIDING OFFICER. There will now be 4 minutes equally divided prior to a vote in relation to Bunning amendment No. 3361.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, let me briefly describe my amendment No. 3361. Like other amendments, this amendment contains all the extensions in the Baucus substitute, and it also completely pays for that spending. But it provides a different alternative for paying for it: eliminating wasteful and duplicative government programs.

Many of these programs are the ones President Obama has recommended terminating, and others have been highlighted by the CBO and the Congressional Research Service as wasteful.

I thank Senator COBURN publicly for the good work he has done compiling this list of programs.

We voted on a similar spending reduction when the Senate passed a record $1.9 trillion increase in the debt limit to $14.3 trillion. I hope we have a different outcome today. I hope my colleagues will not choose bloated bureaucracy over our children and grandchildren. They will face over $100 billion more in debt and compounding interest on the debt if we do not pay for this bill. Enough is enough.

If we cannot find the money to pay for programs, we ought to make the hard choices to reduce the deficit and debt.

I hope my colleagues will make the right choice today and support my amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUYE. Mr. President, we find ourselves debating an amendment that we voted down just last month. Proponents make the rescissions sound like good policy when you listen to them. But Members need to understand this amendment causes harm to our national and international security and to our economy.

First, this amendment proposes rescissions throughout the agencies that are completely random and based on subjective assumptions.

Second, rescinding discretionary funds that have been available for more than 2 years will jeopardize our national defense, our homeland security, and the well-being of our citizens.

This is simply irresponsible governing. For example, a ship is not built in a year or 2 years. A hospital is not built in a year. And if they are not built in a year, these funds are rescinded.

This amendment proposes to cut billions in funding the Congress voted on and agreed to provide just months ago. This amendment is not based on careful review and, if adopted, would have serious consequences on our procurement process and many critical programs for fiscal year 2010.

The majority of the Members acted responsibly in January and rejected the same approach. I urge my colleagues to do the same today.

Accordingly, Mr. President, I move to table the Bunning amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—61

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (NE)	

NAYS—36

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McCaskill
Brown (MA)	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker

NOT VOTING—3

Bond	Hutchison	Isakson

The motion was agreed to.

BAUCUS AMENDMENT NO. 3336

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on the motion to waive a budget point of order on amendment No. 3336.

Who yields time?

Mr. LEMIEUX. Mr. President, I made this point of order not because I am not in favor of the extension of the unemployment insurance or the COBRA or the money for Medicaid but only that it be paid for.

Just a few weeks ago, this Chamber voted to pass a pay-go bill, which the President signed, and it said we will pay as we go. But we have designated each of these three extensions as emergencies. They are not emergencies under the 1974 Budget Act requiring that it be sudden, quickly coming, unforeseen, or unpredictable. It is not an emergency.

All my point of order does is to say that by the end of the year, we will have to pay for these. It will not stop them from going forward, but it will make sure we have to pay for them, just as the pay-go law requires. These are nonemergencies.

I urge my colleagues to oppose the motion to waive the point of order.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a killer point of order. This point of order would kill the underlying substitute amendment. It would prevent people from getting COBRA benefits. It would prevent people from getting their unemployment checks. It would cause doctors to have their payments

for Medicare patients cut 21 percent. It endangers access for 40 million Medicare beneficiaries. It will kill unemployment insurance benefits for 400,000 Americans. This is a point of order that will, in effect, kill the bill. That is why it is vitally important that Senators vote to waive the point of order so we can pass the bill.

Mr. LEMIEUX addressed the Chair.

The PRESIDING OFFICER. The Senator has no time.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—60

Akaka	Feinstein	Mikulski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NAYS—37

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Inhofe	Thune
Coburn	Johanns	Vitter
Cochran	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lugar	
Crapo	McCain	

NOT VOTING—3

Bond	Hutchison	Isakson

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. I move to reconsider that vote.

Mrs. LINCOLN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 3400

Mr. SPECTER. Mr. President I have sought recognition to speak on an amendment I am offering to H.R. 4213, the Tax Extenders Act. This amendment would create a loan guarantee program to maintain the domestic manufacturing capacity for shipbuilding.

With the U.S. economy still struggling to recover, manufacturing investments can have an immediate impact. Manufacturers have lost more than 2 million jobs since the recession began in December of 2007, so there is an opportunity to create a large number of jobs in the industry and to simultaneously revitalize our economy and overall global competitiveness. One area where benefits can immediately be seen is the shipbuilding industry. U.S. shipyards play an important role in supporting our Nation's maritime presence by building and repairing our domestic fleet; and the industry has a significant impact on our national economy by adding billions of dollars to U.S. economic output annually.

These shipbuilding investments are vital to the United States, creating thousands of good-paying jobs across the country. The commercial shipbuilding and ship repair industry is a pillar of the American skilled labor workforce employing nearly 40,000 skilled workers; and the ships produced domestically are an integral part of commerce, international trade, the Navy, Coast Guard, and other military and emergency support. With more than 80 percent of the world's trade carried in whole or part by seaborne transportation, the shipbuilding industry has always had and will continue to have a large industrial base that can support significant job creation and economic growth.

Since the mid 1990s, the industry has been experiencing a period of expansion and renewal. The last expansion was largely marketdriven, backed by long-term customer commitments. Those new assets created much more productive and advanced ships than those they replaced. For example, articulated double-hull tank barge units replaced single-hull product tankers in U.S. coastal trades, and new duel propulsion double-hull crude carriers replaced 30 plus-year-old, steam propulsion single-hull crude carriers. The new crude carriers are larger, faster, more fuel efficient and have a fourfold increase in efficiency over the vessels they replaced.

During the last expansion, the Department of Transportation's Maritime Administration touted the success of Aker Philadelphia Shipyard as a great achievement for the American shipbuilding industry. In 2000, Aker Philadelphia Shipyard was rebuilt on the site of a closed U.S. Navy shipyard. In a few short years, the shipyard became the country's most modern shipbuilding facility employing 1,200 highly skilled professional workers. Since 2003, it has built more than 50 percent of the large commercial vessels produced in the United States. Additionally, the shipyard contributes over $230 million annually to the Philadelphia region, $5 to 7 million per month in local purchases, $8.6 million in annual tax revenues to the city of Philadelphia, and supports over 8,000 jobs throughout the region. Today, Aker Philadelphia Shipyard is one of only two companies producing large commercial vessels in the United States and is a critical asset to the economic viability of the mid-Atlantic region and the domestic shipbuilding industry.

Despite these successes, the economic collapse has stalled the shipbuilding industry by delaying planned ship acquisitions, constraining the credit markets, and making large vessel acquisitions impossible to finance. The long-term customer-driven commitments that drove the last expansion are not a possibility in this economic climate. As a result, this industry, which is a part of the national security industrial base, supports thousands of highly skilled jobs, and is critical to the industrial fabric of our Nation, is struggling to survive.

Since the economic downturn, shipyards such as the Aker Philadelphia Shipyard do not qualify for loan guarantees under existing programs at the Department of Transportation. Without assistance, shipyards will be forced to begin reducing their highly skilled workforce, apprentice programs, and vendor and supplier contracts, at a time when we can least afford additional job losses. If this situation persists and companies like Aker were to cease operations, our Nation's ability to construct commercial vessels would be severely limited and the investments we made to build this state-of-the-art facility would be lost.

At the same time, there is a strong and direct correlation between the performance of shipbuilding and the global economy and trade. Shipbuilding activities rise when global trade and economy grow. Likewise, shipbuilding will be among the first activities to suffer when trade slumps and the economy stutters. This puts shipbuilding at the forefront of one of the world's key and most important economic activities, and a reliable barometer of economic performance.

As the economy recovers, so will the need for ships and our domestic shipbuilding capacity. The Maritime Administration has recognized that construction of vessels for the Nation's marine highway system could result in significant new opportunities for U.S. shipyards. The shipbuilding industry is also developing vessel portfolios that can be leveraged by the government including military vessels to meet the Nation's needs in time of national emergency. For example, the Navy's Littoral Combat Ship and Joint High Speed Vessel programs are based on commercially designed and available vessels. There will also be a need for additional ships as almost $5 billion worth of double-hull construction and conversion work will need to take

place by 2015 to meet the double-hull requirement under the Oil Pollution Act of 1990.

To address the dire situation facing the domestic shipbuilding industry, I am seeking the establishment of a loan guarantee program, where the Secretary of Transportation can issue a loan guarantee for $165 million to qualifying shipyards. Because of loan guarantees leverage funding, the program would require only $15 million to leverage $165 million. This $15 million is offset by reprogramming previously appropriated funds, so there is no additional spending associated with this program.

The Federal assistance would be a short-term financing bridge to enable shipyards to remain in operation and meet the future anticipated demand for domestically produced ships. I encourage my colleagues to help maintain the commercial shipbuilding capacity of the United States through the inclusion of a loan guarantee program.

Mr. BEGICH. Mr. President, I am pleased to have filed an amendment that would give Alaska Native corporations, ANCs, parity for an important tax incentive encouraging the permanent protection of land through the charitable donation of a conservation easement.

America's wildlife, waters, and land are an invaluable part of our Nation's heritage. It is imperative to preserve these natural treasures for future generations. Congress long ago concluded that it was good public policy to encourage the charitable contribution of conservation easements to organizations dedicated to maintaining natural habitats or open spaces help protect the Nation's heritage. A conservation easement creates a legally enforceable land preservation agreement between a willing landowner and another organization. The purpose of a conservation easement is to protect permanently land from certain forms of development or use. The property that is the subject to the easement remains the private property of the landowner. The organization holding the easement must monitor future uses of the land to ensure compliance with the terms of the easement and to enforce the terms if a violation occurs.

In 2006, Congress enhanced the charitable tax deduction for conservation easements in order to encourage such gifts. With the 2006 legislation, Congress temporarily increased the maximum deduction limit for individuals donating qualified conservation easements from 30 percent to 50 percent of the taxpayer's adjusted gross income. Congress also created an exception for qualified farmers or ranchers, which are nonpublicly traded corporations or individuals whose gross income from the trade or business of farming is greater than 50 percent of the taxpayer's gross income. In the case of a qualified farmer or rancher, the limitation increased from 30 percent to 100 percent. The 2008 farm bill extended the temporary rules for 2 additional years to charitable contributions made before December 31, 2009.

Unfortunately, the way the law was crafted has disadvantaged a number of important landowners in my home State. Alaska Native corporations, ANCs, own nearly 90 percent of the private land in Alaska, including some of the most scenic and resource rich. However, although they are very similar to the small communal family farms that are eligible, subsistence-based Alaskan Native communities are ineligible for these important new tax incentives. For thousands of years, Alaska has been home to Native communities, whose rich heritages, languages, and traditions have thrived in the region's unique landscape. Members of Alaska Native communities continue to have a deeply symbiotic relationship with the land even today. Much like their ancestors, many Native Alaskan communities engage in traditional subsistence activities, with nearly 70 percent of their food coming from the land or adjacent waters. For many communities, subsistence is an economic necessity considering both the lack of economic development and the cost and difficulty involved in purchasing food. For example, in Kotzebue a community in northwestern Alaska, milk costs nearly $10 per gallon. In Buckland, a village home to approximately 400 people, a pound of hamburger—when it is actually available—costs $14.

In Alaska, the Native corporations have an important role to be stewards of the land. Their shareholders see themselves as the caretakers of the land and water as their ancestors have for thousands of years. Nonetheless, in Alaska today this means they have to balance the need for resource development and the need to cultivate the land for subsistence activities. The traditional lifestyles of Native Alaskans are under increasing stress from outside influences. Population growth and the pressure to pursue cash-generating activities have increased the desire for substantial development, significantly adding to the ecological stress on already fragile ecosystems. Without permanent protection, their lands could be developed in a manner that would destroy its ability to support the traditional ways and subsistence lifestyles crucial to Alaskan Native communities. Making use of tax incentives available to other Americans will make it easier for Native communities to make the right decisions for their shareholders.

Today, Alaska Native communities are not eligible for the 50 percent deduction available to individuals because they are federally chartered as C corporations under the Alaska Native Claims Settlement Act of 1971, ANCSA. This leaves Alaska Natives without the ability to convert to an eligible entity as other landowners can. In addition, most Alaska Native corporations do not have sufficient gross income from the trade or business of what is considered traditional farming to be eligible for the 100 percent deduction available to qualified farmers or ranchers. This is in spite of the fact that as a group the Alaska Native shareholders of Alaska Native corporations receive far more in subsistence benefits than they receive in income from the Alaska Native Corporation. As a result, Alaska Native corporations do not have the same ability to offset the cost to permanently protect their properties, which contain important wildlife, fish, and other habitats, through donations of qualified conservation easements.

This amendment will allow Alaska Native corporations to protect these important wildlife habitats, many used for subsistence, by providing an enhanced deduction for qualified conservation easements. The amendment modifies section 170(b)(2) of the Internal Revenue Code by creating a new subsection that provides Alaska Native corporations with a deduction for donations of certain qualified conservation easements. In order to be eligible, a qualified charitable conservation contribution must: (1) otherwise qualify under section 170(h)(1); (2) be made by a Native corporation; and (3) be land that was conveyed by ANCSA. The corporations would be limited to 10 percent of their land allotment under ANCSA. Under section 170(b)(2)(iii)(I), ''Native Corporation'' is defined by ANCSA, section 3(m). Under section 170(b)(2)(i), the maximum deduction limit would be set at 100 percent of the taxpayer's adjusted gross income. If the taxpayer has deductions in excess of the applicable percentage-of-income limitation, section 170(b)(2)(ii) would allow the taxpayer to carry-forward the deduction for up to 15 years.

Congress must act to assist Alaska Native communities in permanently protecting their culturally, historically, and ecologically significant land, preserving the communities and their rich traditions in the process. I urge my colleagues to support this important amendment.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CONGRESSMAN JOHN PATRICK MURTHA

Mr. DODD. Mr. President, I rise in commemoration of the life of John Patrick Murtha.

John Murtha gave nearly six decades to the country he loved. At the age of 20, he left college to join the Marines. As soon as he arrived, the Marines knew they had a gem of a young man on their hands. Routed to Officer Candidate School, he became a leader of

his peers, earning the American Spirit Honor Medal during training.

Although his duty to the Marines ended in 1955, his desire to serve did not. He remained in the Reserves for the next decade, and then volunteered for service in Vietnam.

There, he cemented his reputation as an American hero, earning the Bronze Star, the Vietnamese Cross of Gallantry, and two Purple Hearts.

John's service in the Reserves lasted long into his political career. He didn't retire until 1990, at which time he was awarded the Navy Distinguished Service Medal. But when he returned from Vietnam, he decided that serving the people of the State of Pennsylvania was another way to give back to his country.

He came to Congress roughly a year before I did, the first Democrat to hold that seat since World War II. As long as I have been here, it seems like John has been as much of a fixture in the House Chamber as the desks themselves.

John being a marine, it is probably not surprising that he never stopped fighting to give our troops in the field the resources they needed to do their jobs. He became the chairman of the Defense Appropriations Subcommittee, and was a reliable advocate for our military—and for the people of his district.

His deep passion for our military and his commitment to making sure they had the resources they need reached as far as Connecticut, where we make the finest submarines and aircraft in the world. He knew that the products we make there are critical to the success of our military, and he was always there alongside me, standing up for our defense workforce and the fine products they make.

Many of us will remember with great admiration the courage John showed when he came to the floor in November 2005 to call for an end to a war he had supported. Colleagues on both sides knew that John Murtha would never make a statement like that lightly, and his bold stance played a large role in bringing towards an end that misguided war.

Of course, most Americans never got to know John Murtha's soft side. But his beloved wife Joyce—they were married for 55 years—and his three wonderful children knew him as his colleagues did: as a funny, warm man who loved his job, loved his constituents, and loved his country.

A colleague of his, Congressman BOB BRADY, said, ''There will never be another Jack Murtha.'' And he is right. But we can all carry on his work, impressed by his long record of service and inspired by his deep patriotism and commitment.

I was proud to know John Murtha, and we were all lucky to have him.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS ZACHARY LOVEJOY

Mr. UDALL of New Mexico. Mr. President, in the almost 9 years our Nation has been at war in Afghanistan, thousands of men and women have volunteered for service in defense of our country and the freedoms we hold so dear. These brave men and women sacrifice time with their families, with their wives and husbands and children and friends. They put their own safety on the line to protect the safety of others—to protect the safety of all who call the United States home. Tragically, some of these men and women make the ultimate—sacrifice giving their lives for a country and a people they love.

PFC Zachary Lovejoy was one of those brave soldiers. He was 20 years old when he died February 2, while serving in Zabul Province. His vehicle was struck by a roadside bomb. Private First Class Lovejoy spent the last day of his life doing what he loved. While his life may have ended too soon, his legacy will live on though the people who loved him, and through all of us who owe him our own lives and safety and freedom.

That is why today, I honor Zachary Lovejoy by telling the people of America about a young man who—from early in life—loved his country and dreamed of being a soldier.

Private First Class Lovejoy was born in Indiana but moved to my home State of New Mexico when he was three. He grew up in Albuquerque, the beloved son of Terry and Mike Lovejoy, and brother to Ashley. He was an active teen who loved football and wrestling and camping and skiing. He was an enthusiastic member of his school's ROTC program. Private First Class Lovejoy was a happy-go-lucky kind of guy, whose fun-loving attitude and zest for life was contagious, according to his family.

Even before he graduated from La Cueva High School, Private First Class Lovejoy knew what he wanted to do with his life. He enlisted in the Army during his senior year in high school and began basic training in August 2008. Private First Class Lovejoy was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division at Fort Bragg, NC. He received his first deployment to Afghanistan in August 2009.

Private First Class Lovejoy's dedication to our country and its ideals made his family, his community, and everyone who knew him proud. Upon hearing of his death, the people of New Mexico—especially those who knew Lovejoy from high school—were shocked and saddened. They turned out in droves to leave messages for his family in a special memory book. And it is those messages that offer an intimate view of the legacy Private First Class Lovejoy leaves behind.

''You had such a big and amazing heart,'' one person wrote.

''You put an incredible amount of living in your all too short life,'' said another.

''It is an honor to have been a part of a true hero's life,'' wrote a third.

But there was one message that I believe sums up Private First Class Lovejoy's life best: ''Your last name described you so perfectly. You loved all your friends deeply, and spread joy around every place you went.''

To Private First Class Lovejoy's parents and sister and grandparents and fiancée Kaitlin, I offer my deepest sympathies for your loss, and my deepest thanks for your loved one's service to our country. You are forever in our hearts, and we are forever in your debt.

49TH ANNIVERSARY OF THE PEACE CORPS

Mr. CARDIN. Mr. President, today I rise to celebrate service—specifically the dedication of Americans volunteering in the Peace Corps, which this week marks its 49th year of connecting committed volunteers with meaningful work around the globe.

There are a lot of ways to give of ourselves. We donate food. We donate money. We donate time. But the Peace Corps takes community service—global service, really to another level, with volunteers committing 27 months to improve the quality of life in developing countries.

Some projects focus on agriculture; others business. Some improve health, while others emphasize education or the environment, but all programs build a unique international relationship with a spirit of volunteer service at its core.

As Chairman of the U.S. Helsinki Commission, I recently saw one program up close during a congressional delegation I led to Morocco, which is an active Mediterranean partner country in the Organization for Security and Cooperation in Europe.

Meetings with local government officials there were informative. And the briefings from the embassy staff were important. But the time we spent with a Peace Corps volunteer in rural Aitourir was nothing short of inspiring.

The Youth Development Program there run by Peace Corps volunteer Kate Tsunoda, with help from local community volunteers, is giving children from kindergarten through high school critical education, language, and art skills.

Inside a small community center, below a library still in need of dictionaries and elementary schoolbooks, we sat down with a group of young men, some in college, some recently graduated. In a part of the world where unemployment tops 15 percent, these are the people one may see as most susceptible to recruitment by extremists, but not these men. They spoke of dreams that included higher education, better jobs, and a transforming of their local towns.

These men credit the Peace Corps program for empowering them and building their language skills. I credit the Peace Corps for something even greater—forging international understanding, something the Peace Corps

has excelled at now for 49 years in 139 countries through 7,671 volunteers.

On the other side of town, several members of our delegation visited a start-up small business, the brainchild of retiree and Peace Corps volunteer Barbara Eberhart, whose second career is dedicated to empowering the women of Morocco.

The group visited a fabric and embroidery shop developed by a community of Berber women aided by a microcredit loan and Barbara's guidance and unbounded energy. These women, unable to read or write and essentially marginalized in Moroccan society, have formed a cooperative where they create fine embroidered goods and sell them in local markets. Their small business not only provides desperately needed income, but gives these women a stronger sense of themselves, their community and hope for their future and that of their children.

With Peace Corps volunteers coming from all backgrounds, ages and various stages of life, this program is as diverse as our country. The local citizen collaboration inherent in all Peace Corps work helps build enduring relationships between the United States and Peace Corps partner countries.

The Peace Corps invests time and talent in other countries, but it pays dividends back here in the United States as well. Those who are taught or helped by Peace Corps volunteers are likely to have more favorable opinions of the United States. More than that, many of the volunteers themselves are inspired to public service upon their return to this country, some becoming Governors and Members of Congress, including our own colleague and fellow Helsinki Commissioner, Senator DODD of Connecticut.

I left Aitourir thinking Kate was the exemplary Peace Corps volunteer with her welcoming smile, passion for service and genuine love for the Moroccan people. But aware of the success of so many other Peace Corps programs around the world, I know Kate is one of many volunteers—all of whom would have left as great an impression.

The Peace Corps is a program that works. Volunteers year in and year out continue to fulfill the Peace Corps mission of bringing training and education to interested countries and strengthening understanding between Americans and our neighbors in the global community. Congratulations to the Peace Corps for 49 remarkable years. I look forward to its continued success.

RECOGNIZING VISTA ON ITS 45TH ANNIVERSARY

Mr. BEGICH. Mr. President, I wish to speak on a resolution I have cosigned celebrating Volunteers In Service To America, or VISTA, on its 45th anniversary and recognizing its contribution to the fight against poverty.

This resolution will demonstrate the great appreciation this country has for its volunteers, specifically honoring the 45th anniversary of the VISTA Program.

Last year nearly 50 VISTA volunteers provided service in Alaska. These citizens are vital to fighting poverty in our State. The success of this program is evident in the programs it has left behind such as Head Start, job training plans, and credit unions. From its beginnings in 1965 to today, VISTA has dedicated hard work, time, and innovation to lift Americans all over the country out of poverty.

While the mission to fight against poverty has a long history, VISTA has continued to adapt to various localities and challenges to provide new and inspired solutions. Alaska boasts many past and present VISTA volunteers. Many of them have become prominent in Alaska's public and private sectors.

In Alaska, John Shively came to the state with VISTA from New York State with the intention of staying for 1 year. He became involved in local government in Alaska and was involved in the Native lands settlements of early statehood. He later became the commissioner of the Alaska Department of Natural Resources, overseeing more than 80 million acres of State land. He has also been a regent for the University of Alaska, and the Alaska State Chamber of Commerce was proud to award John Shively the title ''Outstanding Alaskan of the Year'' in 2009.

Willie Hensley is an Alaska Native and one of the many successful residents of Alaska. He was a VISTA volunteer and went on to serve in the Alaska State Legislature. He founded the NANA Native Corporation after working hard to ensure equitable settlement of Alaska Native land claims. He is one of the founding members of the Alaska Federation of Natives and is a well known author.

John Shively and Willie Hensley are just two examples of the thousands of VISTA volunteers who have served Alaska and her people. VISTA is a program serving all Americans with the focus on lifting poor Americans out of poverty so their futures can be as bright as the northern lights. VISTA's 45 years of service to the country has made a difference in so many lives, in Alaska and across the Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO SYLVIA PROTHRO HEBERT

● Mr. BENNETT. Mr. President, today I wish to recognize my constituent, Sylvia Prothro Hebert, who has been selected as a 2009 Great Comebacks Recipient for the West Region. This program honors individuals who are living with intestinal diseases or recovering from ostomy surgeries, procedures that reconstruct bowel and bladder function through the use of a specially fitted medical prosthesis. Sylvia is one of over 700,000 Americans, from young children to senior citizens, who have an ostomy. The Great Comeback Awards celebrate the spirit and courage with which a patient embraces life after ostomy surgery. Sylvia and the other Great Comebacks Awardees are Americans who live life to the fullest despite the daily challenges presented by their respective conditions.

At age 9, Sylvia was diagnosed with Crohn's disease. She managed her symptoms with medication, but experienced constant flare-ups during college. At age 21, her intestines were punctured during a colonoscopy and she underwent ostomy surgery. Following this surgery, Sylvia was emotionally distraught; however, she entered counseling and learned how to cope with her stoma. Sylvia has since triumphed over her illness, and achieved her dream of becoming a flight attendant. By her records, she's the first Delta SkyTeam flight attendant with an ileostomy. Additionally, Sylvia joined the Delta Ski and Snowboard team and has earned ribbons in many competitions. Sylvia has also completed two half-marathons and a triathlon.

Today, Sylvia lives in Park City, UT, with her husband Paul and their children, Reese, Garrett, and Renee. I commend Sylvia and the other Great Comebacks Regional Award Recipients. Their personal stories are inspirational and will raise awareness about the great comebacks being made by those living with intestinal diseases or recovering from ostomy surgery.●

REMEMBERING HARRY AGGANIS

● Ms. COLLINS. Mr. President, there is a mid-winter tradition throughout New England and across my home State of Maine—talking baseball. Not just any baseball, of course, but Boston Red Sox baseball.

These discussions, whether they take place around the kitchen wood stove or the office water cooler, range from the team's storied history to the prospects for the upcoming season. The heroes of the past, Yastrzemski, Williams, and so many more, are recalled, as are the more recent stars, such as Schilling and Ramirez.

At times, fans reminisce about a young man who, although his career was cut tragically short, continues to inspire through his athleticism, competitive spirit, and generosity. His name was Aristotle George Agganis. His friends called him Harry. He will always be remembered as the Golden Greek.

Harry Agganis was born in Lynn, MA, in 1929. Although he is known as a baseball player, he first made his mark in football as a star quarterback for Boston University. As a sophomore in 1949 he set a school record for touchdown passes. He left school in 1950 to enlist in the U.S. Marine Corps.

When he completed his service to our nation, he returned to college, setting a school record for passing yards, winning the Bulger Lowe Award as New

England's outstanding football player, and becoming Boston University's first All-American in football. Upon his graduation, he was offered a lucrative contract to play football for the Cleveland Browns but chose instead to sign with the Red Sox so he could remain near his widowed mother.

Here are a few stories that illustrate the character of this young man and the esteem in which he is held.

While still a student in 1953, Harry Agganis was inducted into the new Boston University Hall of Fame. He declined gifts of a car and $4,000 from his classmates and instead asked that the cash equivalent be put toward establishing a scholarship for Greek-American students with financial need.

On June 6, 1954, he homered at Fenway Park and scored the winning run as the Red Sox beat the Detroit Tigers. Following the game, he changed into a cap and gown in the Sox clubhouse, ran down Commonwealth Avenue in time for the graduation ceremonies on the B.U. campus, and received his bachelor's degree in education.

As the 1955 season opened, he was off to a good start, but on June 2 he was hospitalized with pneumonia. He rejoined the team 10 days later but fell ill again. He died on June 27 of a pulmonary embolism. Ten thousand mourners attended his wake.

His career was brief, but his name lives on. In 1956, a 1,000-seat baseball facility, Harry Agganis Stadium, was dedicated in his honor at Camp Lejeune, NC, where he served. A memorial plaque placed at the field reads, ''Endowed with peerless talent, Corporal Agganis exemplified the finest in competitive spirit and sportsmanship. An All-American football player, and later a professional baseball player, his outstanding accomplishments in the field of athletics were an inspiration to other Marines who served and were teammates with him during his career in the Marine Corps.''

He was inducted posthumously into the College Football Hall of Fame in 1974. In 1995, Gaffney Street in Boston was re-named Harry Agganis Way. In 2004, Agganis Arena was dedicated in his honor on the Boston University campus. Each year, members of the New England Sportswriters Association present the Harry Agganis Award to the outstanding New England college football senior.

His character and accomplishments have been set to music by a talented songwriter and devoted Red Sox fan in Bangor, ME, named Joe Pickering, Jr. Joe recently retired after 30 years of dedicated service as executive director of Community Health and Counseling Services in Bangor. It is my pleasure to have printed his inspiring lyrics into the RECORD:

THE GOLDEN GREEK

Time washes away people who depart
You who remain cherish heroes of the heart
They seldom grace earth but, not for long
The Golden Greek lives in this song

Too many athletes spell team as m-e
The Golden Greek knew team meant only we
This All-American truly stood apart
The Golden Greek was simply pure of heart

Four hundred churches honored for forty days
The man who touched many hearts in so many ways
Fifty thousand said goodbye as his church choir
Sang love for the man who set the sports world afire

Harry Agganis stirred heart and soul
Did God take him so he would never grow old?
Heroes live forever though Harry died young
The song of the Golden Greek will always be sung

Thousands of marines in the Carolina sun
Named a field for the marine who left no deed undone
The first Olympic heroes won olive wreaths
His silver wreath from the king and queen of Greece

The seventh child of immigrants born in Lynn
Learned playing the game right was the way to win
He hit major league pitching at fourteen years of age
Then went on to glory on the sports page

This Hall of Famer scrambled forty yards from the pocket
He threw feather passes or shots like a rocket
Though he looked and played like a Greek god
This flesh and blood hero was one with the lord

He gave to the poor and church, gifts he received
Harry lived the golden rule, as he believed
His smile warm and bright like sunshine in July
Why at twenty-six did this Red Sox star die?

The NFL played games in honor of his name
All for a man who never played a pro game
He planned to play for the Sox and the NFL
What might have been only God can tell

This hero of the heart was like no other
His last words: were ''take care of my mother''
In the pantheon of sports, the Golden Greek reigns
His mem'ry glowing like the Olympic flame●

TRIBUTE TO LATOYA LUCAS

● Mr. UDALL of Colorado. Mr. President, I wish to recognize Latoya Lucas of Colorado Springs, who will be awarded today with the 2009 Tony Snow Public Service Award. This distinction was created to ''honor extraordinary individuals who are passionate about serving their country while dealing courageously with debilitating intestinal diseases and ostomy surgery.''

In 2003, Latoya was a new mother and an Army specialist serving in Operation Iraqi Freedom when her humvee was attacked by rocket-propelled grenades. She thankfully survived the incident, but her injuries resulted in a colostomy and 2 years of intensive rehabilitation. Latoya's brave service has been recognized by such honors and distinctions as the Purple Heart Medal, the Meritorious Service Medal, and the Soroptimist International Woman of Distinction Award. In 2005, she became the first female recipient of the Military Order of the Purple Heart's Region V Patriot of the Year Award.

After her retirement from the Army, Latoya became a motivational speaker and writer to share her remarkable story with others and encourage people to draw strength from their struggles. Latoya's book, ''The Immeasurable Spirit: Lessons of a Wounded Warrior about Faith and Perseverance,'' received the Gold Medal Award from the Military Writers Society of America. Additionally, Latoya is the chair of the Wounded Warrior Welcome Home Social. She has inspired so many others to draw strength from adversity. As Latoya has said, ''There are so many soldiers who come back home with injuries and untold numbers having ostomy surgery. I answer questions they have and show them that they can lead a full life with an ostomy.''

There are thousands of veterans and Active-Duty members who call Colorado home, a fact that is a source of pride for me. Coloradans like Latoya are a testament to the bravery and strength of our veterans and their remarkable ability to deal with life-changing injuries. Latoya has become a leader and a source of strength for fellow citizens who face similar injuries, and I want to thank her for her service to this country. I am proud to have this opportunity to share just some examples of Latoya's bravery and achievements, and I congratulate her and the other Great Comebacks Award recipients.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3820. An act to reauthorize Federal natural hazards reduction programs, and for other purposes.

At 6:14 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 239. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3820. An act to reauthorize Federal natural hazards reduction programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4868. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled ''Fiscal Year 2009 Financial Report of the U.S. Government''; to the Committee on Banking, Housing, and Urban Affairs.

EC–4869. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Home Loan Bank Housing Associates, Core Mission Activities and Standby Letters of Credit Rule'' (RIN2590–AA33) received in the Office of the President of the Senate on March 1, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4870. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility (75 FR 5890)'' ((44 CFR Part 64)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4871. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4872. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility for Failure to Maintain Adequate Floodplain Management Regulations'' ((44 CFR Part 64)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4873. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility (75 FR 6120)'' ((44 CFR Part 64)(Docket No. FEMA–2010–0003)) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4874. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rules 201 and 200(g) of Regulation SHO—Short Sale-Related Circuit Breaker That Imposes a Short Sale Price Restriction'' (RIN3235–AK35) received in the Office of the President of the Senate on March 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4875. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalties; Adjustment for Inflation'' (RIN0605–AA27) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4876. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Closed Captioning of Video Programming, Order Suspending Effective Date'' (FCC 09–71) received in the Office of the President of the Senate on February 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4877. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC–4878. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a fiscal year 2009 report relative to the General Service Administration's Alternative Fuel Vehicle program; to the Committee on Energy and Natural Resources.

EC–4879. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations'' (RIN0648–AW51) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Environment and Public Works.

EC–4880. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Computerized Tribal IV–D Systems and Office Automation'' (RIN0970–AC32) received in the Office of the President of the Senate on February 25, 2010; to the Committee on Finance.

EC–4881. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, an annual report relative to its operations and financial condition; to the Committee on Finance.

EC–4882. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2010 Trade Policy Agenda and 2009 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC–4883. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC–4884. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Russia relative to the design, manufacture, and repair of the RD—180 Liquid Propellant Rocket Engine Program in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–4885. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single—Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–4886. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties Under ERISA Section 502(c)(8)'' (RIN1210—AB31) received in the Office of the President of the Senate on February 26, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–4887. A communication from the Human Resources Specialist, Office of Inspector General, Department of Labor, transmitting, pursuant to law a report relative to a vacancy in the position of Inspector General of the Department of Labor; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Patricia A. Hoffman, of Virginia, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

*Larry Persily, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. REID):

S. 3060. A bill to amend the Atomic Energy Act of 1954 to provide for thorium fuel cycle nuclear power generation; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. ENSIGN):

S. 3061. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Ms. SNOWE, Mr. BROWN of Ohio, and Ms. COLLINS):

S. 3062. A bill to extend credits related to the production of electricity from offshore wind, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MERKLEY, Ms. MURKOWSKI, and Mr. WYDEN):

S. 3063. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. CARPER, and Ms. COLLINS):

S. 3064. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of energy from deep water offshore wind; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. BURRIS, Mr. BINGAMAN, Mrs. BOXER, Mr. WYDEN, Mr. LEAHY, Mr. SPECTER, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. FRANKEN, and Mr. CARDIN):

S. 3065. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. AKAKA:

S. 3066. A bill to correct the application of the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) to employees paid saved or retained rates; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mr. JOHANNS):

S. 3067. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided department care assistance; to the Committee on Finance.

By Mr. KYL (for Mrs. HUTCHISON):

S. 3068. A bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. CASEY, Mr. BROWN of Ohio, Mr. TESTER, and Mr. SPECTER):

S. 3069. A bill to amend the American Recovery and Reinvestment Act of 2009 to provide for the preservation and creation of jobs in the United States for projects receiving grants for specified energy property; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida (for himself and Mr. LEMIEUX):

S. 3070. A bill to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 430. A resolution commending the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for their efforts to modernize agriculture and sustainable farming practices in Afghanistan and their dedication and service to the United States; to the Committee on Armed Services.

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 431. A resolution expressing profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake; to the Committee on Foreign Relations.

By Mrs. LINCOLN (for herself and Mr. CRAPO):

S. Res. 432. A bill supporting the goals and ideals of the Year of the Lung 2010; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself, Mr. CARDIN, Mrs. GILLIBRAND, and Mrs. BOXER):

S. Res. 433. A resolution supporting the goals of ''International Women's Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 688

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 688, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 742

At the request of Mr. CHAMBLISS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 742, a bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite–tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1567

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1567, a bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2898

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2898, a bill to provide for child safety, care, and education continuity in the event of a presidentially declared disaster.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3014

At the request of Ms. STABENOW, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3014, a bill to amend the Internal

Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain United States jobs, and for other purposes.

S. 3027

At the request of Ms. KLOBUCHAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3027, a bill to prevent the inadvertent disclosure of information on a computer through certain ''peer-to-peer'' file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill,'' and for other purposes.

AMENDMENT NO. 3337

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. BROWN), the Senator from Nebraska (Mr. JOHANNS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 3337 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 3338 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3344

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3344 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3350

At the request of Ms. STABENOW, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3350 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3352

At the request of Mr. BOND, his name was added as a cosponsor of amendment No. 3352 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 3352 proposed to H.R. 4213, supra.

AMENDMENT NO. 3353

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 3353 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

At the request of Ms. MIKULSKI, her name was added as a cosponsor of amendment No. 3353 proposed to H.R. 4213, supra.

At the request of Mr. SANDERS, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 3353 proposed to H.R. 4213, supra.

AMENDMENT NO. 3356

At the request of Mrs. MURRAY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 3356 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. REID):

S. 3060. A bill to amend the Atomic Energy Act of 1954 to provide for thorium fuel cycle nuclear power generation; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, today I rise to introduce the Thorium Energy Security Act of 2010 with my good friend and colleague Senator HARRY REID as an original cosponsor. Our legislation would establish a regulatory framework and a development program to facilitate the introduction of thorium-based nuclear fuel in existing and future nuclear power plants in the U.S.

The U.S. is dependent on foreign sources for about 90 percent of its uranium fuel needs. However, the most recent U.S. Geological Survey Thorium Mineral Commodity Survey confirms that the U.S. has the largest thorium deposits in the world.

I have been a longtime supporter of our Nation's nuclear power industry, and I expect to see a long future for nuclear power in this nation. I believe that future is enhanced with the possibility of thorium nuclear power as new source of nuclear power in the future.

Thorium-based nuclear fuel will remain in the reactor about three times as long as conventional nuclear fuel, thereby cutting the volume of spent nuclear fuel coming out of reactors by as much as two-thirds. Thorium nuclear fuel could also significantly reduce the possibility that weapons grade material would result from the process. Finally, a thorium fuel cycle can be used as a very effective and efficient means for disposing of existing plutonium stockpiles.

For these reasons, a number of governments throughout the world are aggressively seeking to establish thorium nuclear power as an element of their power supply. These governments want the benefits of nuclear power, without the difficulties associated with large volumes of waste, much of which can be turned to weapons grade material. Our aim with this legislation is to ensure that the U.S. does not fall behind the movement. I hope my colleagues will take a look at the potential for thorium-based nuclear power.

By Mr. DODD (for himself and Mr. ENSIGN):

S. 3061. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleague Senator ENSIGN, to introduce legislation that will provide children with safe, healthy, and academically focused afterschool programs.

The Improving 21st Century Community Learning Centers Act of 2010 is endorsed by the Afterschool Alliance, an organization representing more than 25,000 public, private, and non-profit afterschool providers dedicated to expanding access to high quality afterschool programs, as well as a broad coalition of other local and national organizations.

They, and I, have committed to providing quality afterschool care because the record is clear: students who regularly attend afterschool programs have better grades and behavior in school, better peer relations and emotional adjustment, and lower incidences of drug use, violence, and pregnancy. When kids have something productive to do in the hours between when they are let out of school and when their parents get home from work, they are more likely to avoid the traps of risky behavior, more likely to be physically healthy and academically successful, and more likely to fulfill their potential.

As co-chairs of the Afterschool Caucus, Senator ENSIGN and I have worked to expand awareness of these benefits by organizing annual briefings, sharing research, and advocating fiercely for a focus on afterschool care when we talk about how to give our kids the best opportunities possible.

While we know that afterschool care works, the truth is that too many

American kids don't have access to good programs. More than 15 million children—from kindergarten through 12th grade—spend time unsupervised in the hours after school. That includes an incredible 40,000 kindergartners and nearly 4 million middle school students in grades six to eight.

When the bell rings and the school day ends, these kids face some 3 hours of unscheduled, often unsupervised time before their parents get home from work. Those are rarely productive hours, and, worse, those are the hours during which these children are most likely to experiment with risky behaviors.

We can do better for our kids.

The Improving 21st Century Community Learning Centers Act of 2010 has three goals. First, to enhance the quality and sustainability of afterschool programs. Second, to emphasize physical fitness and wellness programs as part of our nationwide effort to reduce childhood obesity, and third, to encourage service learning.

Our legislation provides States with tools designed to keep quality programs going. It would allow program grantees the ability to renew their grants if they can show that the programs are working. It gives states the option to expand technical assistance functions to improve the quality of afterschool programs.

Our legislation will increase opportunities for young Americans to be more physically active. The administration has put a focus on reducing obesity—one of the easiest medical conditions to recognize, but one of the most difficult to treat—among our children. Obesity costs our society as much as $147 billion each year—and the best way to stop it is to encourage our kids to be more active. Afterschool programs offer a tremendous opportunity to do just that, and our legislation includes such wellness efforts in the list of programs that can receive support.

Our legislation encourages kids to get involved in service learning and youth development activities. Service learning integrates student-designed service projects with academic studies. This type of program has been shown to strengthen student engagement, enhance student achievement, lower drop-out and suspension rates, develop workforce and leadership skills, and provide opportunities for teamwork.

Of course, as we offer this legislation, I must also remind my colleagues that afterschool programs only work with sufficient funding. In a difficult economy, it is even more important to focus on empowering these programs. Studies have shown that afterschool care can reduce worker absenteeism by as much as 30 percent and reduce worker turnover by up to 60 percent. Decreased worker productivity related to parental concerns about afterschool care costs our economy up to $300 billion each year. Approximately 1 in 10 children is currently enrolled in afterschool care. However, 2/3 of parents with children who do not participate in a program would enroll their children in afterschool if they had that option. We should work to give them that option.

The Improving 21st Century Community Learning Centers Act is a positive step towards offering all of our children the chance to spend their afternoons safely and productively. It is a step towards making good on the most important promise: the one we make to our kids. I hope that my colleagues will join me in support of this important legislation.

By Mr. REID (for himself, Mr. BEGICH, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MERKLEY, Ms. MURKOWSKI, and Mr. WYDEN):

S. 3063. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I am pleased to introduce bipartisan legislation that will protect the unique ecosystems of the American West from the harmful effects of invasive, non-native species. I am joined by my cosponsors Senators BEGICH, BENNET of Colorado, BENNETT of Utah, FEINSTEIN, MERKLEY, MURKOWSKI, and WYDEN.

The Invasive Species Emergency Response Fund provides resources to prevent the introduction and spread of harmful invasive species; protect susceptible habitats; and establish early detection and rapid response capabilities to combat incipient invasive species populations.

As global climate change patterns shift, particular habitats in the West will be especially vulnerable to the impacts of new species introductions. Hence, the new paradigms in invasive species management provided via this legislation are critically needed. When it comes to invasive species management, history is replete with examples illustrating the adage that ''an ounce of prevention is worth a pound of cure.''

The impact of invasive species in the U.S. is now widespread. More than 6,500 non-native, invasive species have become established populations throughout the U.S. Studies show that the damage caused by these pests and their associated control costs total more than $100 billion annually. The unique ecologies of the West are particularly vulnerable to their harmful effects.

My home State of Nevada is at the center of this ecological storm. Non-native species decrease rangeland capacity; lower water tables; reduce water quality; increase fuel loads; and displace native plants and wildlife habitats. Some in the environmental community have identified the Great Basin as the third most endangered ecosystem in the U.S. due, in part, to the dominance of invasive species.

Moreover, once invasive species have gained a foothold in Western States, they exacerbate other critical issues, including water quantity and quality, and wildfire. Zebra mussels in Lake Mead are poised to wreak havoc on the lake's water quality. Tamarisk's long tap roots infiltrate deep water tables, exploiting up to 200 gallons of water per tree per day. Millions of acres of cheatgrass and beetle-killed trees stand ready to burn if sparked. In fact, the fire cycle in the Great Basin has shortened from 25–50 years to only 3–5 years as a direct result of the take-over of invasive weeds.

These few examples underscore the need for this long overdue legislation. State and local agencies and organizations that fight invasive species need access to resources when a new threat is identified, not when funds are available based on bureaucratic budget cycle.

The revolving loan program established with this bill will provide qualified organizations with the resources they need to tackle invasive species threats within 90 days. The Secretary of the Interior will ensure that these funds are being used for appropriate projects based on vetted review criteria.

Bark beetles, quagga mussels, and Medusahead have no respect for budget cycles or State lines. Hence, I urge my colleagues to support this critical legislation. It is paramount if we want to protect our unique Western landscape.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3063

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 ''Invasive Species Emergency Response Fund Act''.

SEC. 2. PURPOSES.

The purpose of this Act is to encourage partnerships among Federal and State agencies, Indian tribes, academic institutions, and public and private stakeholders—

(1) to prevent against the introduction and spread of harmful invasive species;

(2) to protect, enhance, restore, and manage a variety of habitats for native plants, fish, and wildlife; and

(3) to establish early detection and rapid response capabilities to combat incipient harmful invasive species.

SEC. 3. INVASIVE SPECIES EMERGENCY RESPONSE FUND.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM.—The term ''ecosystem'' means an area, considered as a whole, that contains living organisms that interact with each other and with the non-living environment.

(2) ELIGIBLE STATE.—The term ''eligible State'' means any State located in Region 4, as determined by the Census Bureau.

(3) FUND.—The term ''Fund'' means the Invasive Species Emergency Response Fund established by subsection (b).

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination Act and Education Assistance Act (25 U.S.C. 450b).

(5) INTRODUCTION.—The term ''introduction'', with respect to a species, means the intentional or unintentional escape, release, dissemination, or placement of the species into an ecosystem as a result of human activity.

(6) INVASIVE SPECIES.—The term ''invasive species'' means a species—

(A) that is nonnative to a specified ecosystem; and

(B) the introduction to an ecosystem of which causes, or may cause, harm to—

(i) the economy;

(ii) the environment; or

(iii) human, animal, or plant health.

(7) QUALIFIED ORGANIZATION.—

(A) IN GENERAL.—The term ''qualified organization'' means an organization that—

(i) submits an application for a project in an eligible State; and

(ii) demonstrates an effort to address—

(I) a certain invasive species; or

(II) a certain habitat or ecosystem impacted by an invasive species.

(B) INCLUSIONS.—The term ''qualified organization'' includes any individual representing, or any combination of—

(i) public or private stakeholders;

(ii) Federal agencies;

(iii) Indian tribes;

(iv) State land, forest, or fish wildlife management agencies;

(v) academic institutions; and

(vi) other organizations, as the Secretary determines to be appropriate.

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

(9) STAKEHOLDER.—The term ''stakeholder'' includes—

(A) State, tribal, and local governmental agencies;

(B) the scientific community; and

(C) nongovernmental entities, including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Invasive Species Emergency Response Fund'', consisting of—

(1) such amounts as are appropriated to the Fund pursuant to subsection (h); and

(2) interest earned on investments of amounts in the Fund under subsection (e).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (f)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund—

(A) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of the Interior to carry out this section;

(B) not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of offices of the Governors of eligible States to carry out this section; and

(C) not more than 10 percent shall be available for each fiscal year to pay the administrative expenses of a qualified organization to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(f) USE OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to qualified organizations to prevent and remediate the impacts of invasive species on habitats and ecosystems.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible to receive a loan under this paragraph, a qualified organization shall submit to the Governor of the eligible State in which the project of the qualified organization is located an application at such time, in such manner, and containing such information as may be required by application requirements established by the Secretary, after taking into account the recommendations of the Governors of eligible States.

(ii) GUBERNATORIAL RECOMMENDATIONS.—In reviewing the applications under clause (i), the Governor may recommend to the Secretary for approval any application of a qualified organization under clause (i) if the Governor determines that the qualified organization is carrying out or will carry out a project—

(I) designed to fully assess long-term comprehensive severity of the problem or potential problem addressed by the project;

(II) that uses early detection and response mechanisms that seek to prevent—

(aa) the introduction or spread of invasive species from outside the United States into an eligible State; or

(bb) the spread of an established invasive species into an eligible State;

(III) to prevent the regrowth or reintroduction of an invasive species, to the extent to which the qualified organization has achieved progress with respect to reduction or elimination of the invasive species;

(IV) in rare or unique habitats, such as—

(aa) desert terminal lakes;

(bb) rivers that feed desert terminal lakes;

(cc) desert springs;

(dd) alpine lakes;

(ee) old growth forest ecosystems; and

(ff) special land allocations, such as wilderness, wilderness management areas, research natural areas, and experimental forests;

(V) that is likely to prevent or resolve a problem relating to invasive species;

(VI) to remediate the spread of aquatic invasive species within important bodies of water, as determined by the Secretary (including the Colorado River);

(VII) to remediate the spread of terrestrial invasive species within important forest ecosystems, including wilderness, wilderness management areas, research natural areas, and experimental forests;

(VIII) to assess and promote wildfire management strategies, increase the supply of native plant materials, and reintroduce native plant species intended to limit or mitigate the impacts of invasive species;

(IX) to assess and reduce invasive species-related changes in wildlife habitat and aquatic, terrestrial, and arid ecosystems;

(X) to assess and reduce negative economic impacts and other impacts associated with control methods and the restoration of a native ecosystem;

(XI) to improve the overall capacity of the United States to address invasive species;

(XII) to promote cooperation and participation between States that have common interests regarding invasive species;

(XIII) that addresses or enhances the efforts of qualified organizations, States, or landscape-level initiatives that have invasive species responsibility, authority, or prevention, remediation and control strategies, and applicable plans in place; or

(XIV) to educate the public regarding the negative effects of invasive species, to help prevent and mitigate the introduction and spread of invasive species into or near high-risk aquatic, terrestrial, and arid ecosystems.

(iii) TRANSMISSION TO THE SECRETARY.—The Governor shall transmit to the Secretary all applications received by the Governor under clause (i).

(C) SENSE OF CONGRESS REGARDING MULTISTATE COMPACTS.—It is the sense of Congress that—

(i) Governors of States should enter into multistate compacts in coordination with qualified organizations to prevent, address, and remediate against the spread of animals, plants, or pathogens, or aquatic, wetland, or terrestrial invasive species;

(ii) the Secretary should give special consideration to multistate compacts described in clause (i) in reviewing loan solicitations and applications of the States and qualified organizations that are parties to the compacts; and

(iii) if a multistate compact is entered into under clause (i), the Governors of all States that are parties to the compact should combine to repay to the Secretary of the Treasury a total combined amount equal to not less than 25 percent of the amount of the loan provided under this Act (including interest at a rate less than or equal to the market interest rate).

(D) PETITIONS.—

(i) ACTION BY GOVERNOR.—Not later than 30 days after the receipt of an application recommended for approval by the Secretary under subparagraph (B)(ii), the Governor of an eligible State shall submit to the Secretary, on behalf of all qualified organizations, a petition, together with copies of the recommended application, to receive a loan under this paragraph.

(ii) APPROVAL.—Not later than 30 days after the date of receipt of a petition under clause (i), the Secretary, at the sole discretion of the Secretary, may approve the petition.

(iii) ACTION ON APPROVAL.—Not later than 30 days after the date of approval of a petition under clause (ii) or the approval by the Secretary of an application otherwise transmitted by a Governor under subparagraph (B)(iii), the Secretary shall provide to the qualified organization a loan under this paragraph.

(E) PRIORITY.—In providing loans under this paragraph, the Secretary shall give priority to applications of qualified organizations carrying out, or that will carry out, more than 1 project described in subparagraph (B)(ii).

(2) REQUIREMENTS.—

(A) LOAN REPAYMENT.—

(i) IN-KIND CONSIDERATION.—With respect to loan repayment under clause (ii), the Secretary may accept, in lieu of monetary payment, in-kind contributions in such form and such quantity as may be acceptable to the Secretary, including contributions in the form of—

(I) maintenance, remediation, prevention, alteration, repair, improvement, or restoration (including environmental restoration) activities for approved projects; and

(II) such other services as the Secretary considers to be appropriate.

(ii) REPAYMENT.—Subject to clause (iii), not later than 10 years after the date on which a qualified organization receives a loan under paragraph (1), the qualified organization shall repay to the Secretary of the Treasury an amount equal to not less than 25 percent of the amount of the loan (including interest at a rate less than or equal to the market interest rate).

(iii) WAIVER.—Not more frequently than once every 5 years, the Secretary, in consultation with the Secretary of the Treasury, may waive the requirements under clauses (i) and (ii) with respect to 1 qualified organization.

(B) LONG-TERM MANAGEMENT AND REMEDIATION STRATEGIES.—The Secretary shall ensure that no loan provided under paragraph (1) is used to carry out a long-term management or remediation strategy, unless the Governor or applicable qualified organization demonstrates either or both a reliable funding stream and in-kind contributions to carry out the strategy over the duration of the project.

(3) RENEWAL.—After reviewing the reports under subsection (g), if the Secretary, in consultation with the Governor of each affected State, determines that a project is making satisfactory progress, the Secretary may renew the loan provided under this subsection for a period of not more than 3 additional fiscal years.

(g) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during which a qualified organization receives a loan under subsection (f), the qualified organization, in conjunction with the Governor of the eligible State in which the qualified organization is primarily located, shall submit to the Secretary a report describing each project (including the results of the project) carried out by the qualified organization using the loan during that year.

(2) REPORT TO CONGRESS.—Not later than September 30, 2011, and annually thereafter through September 30, 2015, the Secretary shall submit a report describing the total loan amount requested by each eligible State during the preceding fiscal year and the total amount of the loans provided under subsection (f)(1) to each eligible State during that fiscal year, and an evaluation on effectiveness of the Fund and the potential to expand the Fund to other regions, to—

(A) the Committees on Appropriations, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(B) the Committees on Appropriations and Natural Resources of the House of Representatives.

(3) REPORT BY BORROWER.—

(A) IN GENERAL.—Each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary a report describing the use of the loan and the success achieved by the qualified organization—

(i) not less frequently than once each year until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 1 year after the date on which the loan is provided, at least once during the term of the loan.

(B) INTERIM UPDATE.—In addition to the reports required under subparagraph (A), each qualified organization that receives a loan under subsection (f)(1) shall submit to the Secretary, electronically or in writing, a report describing the use of the loan and the success achieved by the qualified organization, expressed in chronological order with respect to the date on which each project was initiated—

(i) not less frequently than once every 180 days until the date of expiration of the loan; or

(ii) if the loan expires before the date that is 180 days after the date on which the loan is provided, on the date on which the term of the loan is 50 percent completed.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $80,000,000 for each of fiscal years 2011 through 2015.

By Ms. SNOWE (for herself, Mr. CARPER, and Ms. COLLINS):

S. 3064. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the production of energy from deep water offshore wind; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to speak about legislation that I am introducing today, the Deepwater Wind Incentive Act, which will provide a critical long-term renewable production tax credit for developing deepwater wind facilities in the U.S.

Deepwater wind refers to a new offshore wind technology that utilizes advanced floating technologies to remove restrictions on the depth of the water and expand our offshore wind resource by nearly a magnitude of six. Last year, Popular Science named deepwater wind one of the eight technologies that can revolutionize our energy paradigm. I am pleased to have worked with Senators CARPER and COLLINS, two longtime leaders on offshore wind development, on this proposal and look forward to discussing this bill with my Finance Committee colleagues.

Currently, there is a race to develop deepwater offshore wind facilities that could eventually be placed throughout our world's oceans and our Great Lakes. A Norwegian company is now moving forward with deployment of the first deep-water offshore floating turbine, which will be located in more than 328 feet of water. The key point is that if you can successfully develop a floating turbine at that depth it can be replicated throughout the world. Our competitors are recognizing this opportunity and are aggressively pursuing this technology. In fact, earlier this year the European Union Industrial Initiative announced a roughly 6 billion euro plan to invest in next generation wind technologies, including deepwater wind, with a goal of supplying 20 percent of its electricity through wind power.

Deepwater wind is a resource that provides a tremendous potential for our country and provides a more consistent resource than onshore and near shore wind. Specifically, the U.S. has over 1500 gigawatts of deepwater offshore wind generation within 50 nautical miles of the coastline, and if our country can develop these deepwater technologies, we will have the equivalent of 1500 medium sized nuclear power plants available within a close proximity to the electricity demand of the U.S.

Accordingly, I have modeled this legislation after the current tax credits available for nuclear power that exists in the tax code. Specifically, the Energy Policy Act of 2005 provided a production tax credit for the first 6,000 megawatts from advanced nuclear power. The Deepwater Wind Incentive Act, follows this template and provides a 50 percent bonus renewable production tax credit for advanced offshore wind facilities that are placed in service in more than 60 meters of water. The credit is capped at the first 6,000 megawatts to provide an incentive for companies to expeditiously research and deploy this technology.

Time after time, the Department of Energy has indicated that wind can provide a substantial amount of electricity in our country. The Department's ''20 percent Wind Energy by 2030,'' outlined the policy steps that would move wind to be a major source of American power. In the report, the DOE states that the wind industry ''has responded positively to policy incentives when they are in effect.'' This tax policy provides a consistent and clear tax credit to achieve the 20 percent by 2030 that is considered in the report. I thank Senator CARPER and Senator COLLINS for their assistance in crafting this legislation and I look forward to working with them to enact this legislation into law.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. BURRIS, Mr. BINGAMAN, Mrs. BOXER, Mr. WYDEN, Mr. LEAHY, Mr. SPECTER, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. FRANKEN, and Mr. CARDIN):

S. 3065. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

Mr. BURRIS. Mr. President, we just had a press conference this afternoon with reference to don't ask, don't tell, the action we want to take in the Senate for our military people. I would like to make some brief remarks in that regard.

I come to the floor today because I believe in a basic principle, not just a political cause. I come to the floor because courage and valor are blind to race, religion, philosophy, and sexual orientation. I believe every single man and woman who puts on a military uniform is equally deserving of our thanks and our respect, and that when we dismiss the sacrifices made by those with a different sexual orientation, we undermine the strength of our fighting forces. When we fail to recognize the brave contributions gay and lesbian soldiers continue to make every single day, we diminish ourselves as much as we diminish their service. That is why I am pleased to join the following colleagues: Chairman LIEBERMAN, Chairman LEVIN, Senator GILLIBRAND, Senator UDALL of Colorado, and Senator WYDEN in introducing legislation to repeal the military's don't ask, don't tell

policy, a policy which is discriminatory, outdated, and detrimental to our national security.

Let me start by addressing every service man and woman, to those who have served in our Armed Forces in the past. Let's give them a big shout out and a big thank-you. This Nation honors the service and sacrifice of all our veterans and those who are still serving today. Let me say the days of serving in silence—those days are numbered. This legislation will recognize that every soldier, sailor, airman, and marine is equal to every other warrior, so no one will be forced to lie about who they are if they wish to serve this country.

I know there are some who believe this is too big a change, that it is not right and we need to wait. To them I would say it boils down to basic fairness. I remind them that the U.S. military has made policy changes before and with resounding success. The repeal of don't ask, don't tell is not just another vote for me, it is a very personal issue of basic fairness. When I was about 6 or 7 years old, I have a vivid memory of my family members who went off to war, my uncles and uncles-in-law and great uncles who chose to go to war and defend our country, regardless of the color of their skin or occupation or who they were as an individual. That choice defined them as patriots.

I have never forgotten their patriotism or their commitment to this country. But I have also never forgotten that the U.S. military was very different in those days. My family members volunteered to protect this Nation, but simply because of who they were, they had limited opportunities to serve. For all their skill, their talent, their intelligence, and their valor, they were forced to choose among two or three roles. They were forced to either be a cook or forced to dig ditches or forced to drive trucks. The only thing that separated my uncles from their brothers in arms was the color of their skin. But in those days, some people argued that racial integration would undermine the cohesion of our fighting forces. Yet the U.S. military came to recognize this was not the case and successive generations proved that everyone who volunteered to serve was capable of the same patriotism, bravery, and heroism.

That memory is especially crisp as I stand in this Chamber to bring an end to this discriminatory policy that forces our best and brightest to be willing to die for our Nation, while denying they are who they truly are. This, too, is an issue of basic fairness.

More than 60 years ago, President Truman recognized the wisdom of integrating the Armed Forces. He understood that in so doing, the Armed Forces grew stronger and the Nation safer. Today we recognize it is time to end don't ask, don't tell. This repeal of don't ask, don't tell will allow our servicemembers to live their lives openly, honestly, and still fight for the country we all love. So, regardless of sexual orientation or race or any other factor, today we stand to say we are grateful to the brave patriots who chose to defend our Nation and we salute them.

This is about fairness. This is about more than right versus left or Republican versus Democrat. This is about fighting for those who fight for us every day. Ending this policy is the fair thing to do, it is the right thing to do, and it is long overdue.

Mrs. FEINSTEIN. Mr. President, I rise to state my strong support for the Military Readiness Enhancement Act of 2010, which would repeal the ''Don't Ask, Don't Tell'' policy in our Armed Forces.

I am one who believes that the ''Don't Ask, Don't Tell'' policy has done more harm than good. The policy has forced American citizens to choose between serving their country and being honest about who they are; and, even worse, it has led to the discharge of some 13,000 brave men and women because their sexual orientation was discovered.

The criteria for serving in our Armed Forces should be competence, courage, and a willingness to serve; not race, gender, or sexual orientation.

The Military Readiness Enhancement Act of 2010 would finally repeal ''Don't Ask, Don't Tell'' and create a policy of nondiscrimination in the military. That is the right thing to do, and I will support this legislation every step of the way.

The Military Readiness Enhancement Act of 2010 would repeal the 1993 ''Don't Ask, Don't Tell'' policy; allow people who were removed under ''Don't Ask, Don't Tell'' to re-enter the military; establish a policy of nondiscrimination in the Armed Forces to prevent discrimination on the basis of sexual orientation; and require a Pentagon working group established by the Department of Defense to issue recommendations on how to implement repeal throughout the military.

The bill would also require the Secretary of Defense to report to Congress 180 days after enactment on what actions are being taken to ensure that any school that does not allow a ROTC unit on its campus does not receive Federal funds.

It is important for people to realize that ''Don't Ask, Don't Tell'' is not an abstract policy. This policy has had real and harmful effects on our military readiness by denying able and willing men and women the opportunity to serve, and by requiring the discharge of brave individuals who have served courageously and even risked their lives for their country.

Let me give you just a few of the thousands of examples:

Anthony Woods, of Fairfield, CA, graduated from the U.S. Military Academy at West Point and went on to serve two tours of duty in Iraq, including in Operation Iraqi Freedom. He earned the Bronze Star and Army Commendation Medal, and all 81 soldiers who served under his leadership in Iraq returned home safely to the United States. Mr. Woods was discharged from the U.S. Army in 2008 because of ''Don't Ask, Don't Tell.''

MAJ Margaret Witt joined the U.S. Air Force in 1987 and served as a flight nurse for 18 years. She received numerous awards, including the Meritorious Service Metal, Air Medal, and the Air Force Commendation Medal. In 2003, President Bush noted in citation that her ''airmanship and courage directly contributed to the successful accomplishment of important missions under extremely hazardous conditions.'' Major Witt was discharged 6 years ago after the Air Force received a tip that she was gay. Major Witt has challenged her case in court because, as she says, ''I joined the Air Force because I wanted to serve my country. I have loved being in the military—my fellow airmen have been my family. I am proud of my career and want to continue doing my job. Wounded people never asked me about my sexual orientation. They were just glad to see me there.'' The case is currently pending before the Ninth U.S. Circuit Court of Appeals in San Francisco, CA.

LT Daniel Choi, originally from Orange County, CA, also graduated from the U.S. Military Academy at West Point. He is an Arabic linguist and served as an infantry officer in Iraq in 2006 and 2007, but he was recommended for discharge from the U.S. Army after announcing last year that he was gay. Lieutenant Choi has said that: ''The lessons of courage, integrity, honesty and selfless service are some of the most important. . . . I refuse to lie to my commanders. I refuse to lie to my peers. I refuse to lie to my subordinates. I demand honesty and courage from my soldiers. They should demand the same from me.'' The New York National Guard has recently indicated that they will allow Lieutenant Choi to begin participating in drills with the unit again. LTC Paul Fanning, a spokesperson for the New York Guard, has stated: ''We do not have an issue with it. It's a deeply personal thing. To us a soldier is a soldier is a soldier.''

Veteran U.S. Marine Bob Lehman, of San Diego, CA, served in the gulf war in the 1990s and was never dismissed for being gay. He has explained that, ''Nobody in my unit knew artillery better than I did, including the officers. During combat, the gay thing didn't even exist. My biggest fear was bringing my guys home alive.'' However, Mr. Lehman has said he believes that the ''Don't Ask, Don't Tell'' policy forces U.S. soldiers into a moral dilemma. ''Marines don't lie, cheat or steal. It was hard to lie . . . There was a lot of denial and depression because of the inability to be out openly, (the fear) that I might get fired.''

Courageous men and women like these should be applauded for their service, not discharged for their sexual

orientation. The Military Readiness Enhancement Act of 2010 would ensure that is the case and would require the military to readmit anyone who was discharged solely because of their sexual orientation and is otherwise willing and able to serve.

The ''Don't Ask, Don't Tell'' policy has long been a contentious one, and I do not state my support for repeal lightly.

It is absolutely essential that we undertake this project with great care, so that repeal of the policy will enhance military readiness and the effect will be positive for all of our servicemembers in the field.

I am confident that we are up to the task of doing so.

In the last few months alone, high ranking officials from various components of the military have come forward to say that repeal is not only feasible, it is the right thing to do. For example:

ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, testified before the Senate Armed Services Committee that, ''Speaking for myself and myself only, 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.''

Secretary of Defense Robert Gates testified at the same hearing that, ''I fully support the president's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it.''

Secretary of the Navy Ray Mabus has said, ''I support the repeal of ''Don't Ask, Don't Tell.'' I do think the President has come up with a very practical and workable way to do that to work through the working group that the Secretary of Defense has set up, to make sure that we implement any change in the law that Congress makes in a very professional and very smooth manner, and without any negative impacts on the force.''

Retired General Colin Powell issued an official statement expressing that ''In the almost 17 years since the ''Don't Ask, Don't Tell'' legislation was passed, attitudes and circumstances have changed. I fully support the new approach presented to the Senate Armed Services Committee this week by Secretary of Defense Gates and Admiral Mullen.''

These military leaders believe repeal is not only feasible, it is right. According to the University of California, military leaders in many other countries agree. Twenty-five countries currently have policies allowing gay servicemembers to serve openly in their militaries, including 15 NATO countries, Australia and Israel.

This year, Secretary Gates has appointed a Pentagon working group to study in great detail how repeal can be implemented in a manner that will enhance the readiness and effectiveness of our troops. This group, led by Army General Carter Ham and Pentagon General Counsel Jeh Johnson, is tasked with engaging troops and their families at all levels of the Armed Forces to determine what changes will be necessary in regulations, in education and training practices, and in military policy to implement a policy of nondiscrimination on the basis of sexual orientation in our Armed Forces. The study will be careful, and the review will be comprehensive.

The time has come to repeal ''Don't Ask, Don't Tell.'' I urge my colleagues to join me in supporting the Military Readiness Enhancement Act of 2010. I am confident that our military will be stronger and better when this bill becomes law.

By Mr. KYL (for Mrs. HUTCHISON):

S. 3068. A bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I am introducing legislation today that is intended to chart what I believe to be the proper course for the future of the nation's human space flight programs. This bill would provide an alternative to the Administration's proposed course of ending the government role in Human Space Flight and avoid the complete reliance on other nations or an as-yet-unproven commercial capability to launch American astronauts and scientists into space. It would also reaffirm the goals of moving beyond low-earth orbit and restore the kind of exciting vision that will help inspire young people to excel in Science, Technology, Engineering and Mathematics. The bill echoes the decision of the Obama administration to support the International Space Station, ISS, through at least the year 2020, as we endorsed in our NASA Authorization Act, passed in 2008. But the administration's proposal does nothing to ensure that we can fully maintain and utilize the space station, especially during the next 5 years. This bill would correct that, and ensure that full use of the space station is not an empty promise.

Since the release of the fiscal year 2010 Budget last year, the future of human space flight programs has been in question. As part of that Budget Request, the administration announced it would establish an independent review panel, chaired by my good friend Mr. Norman Augustine, to review U.S. Human Space Flight Plans and provide options for how those programs should proceed in the future.

The Augustine Panel completed its review in late August of last year, and provided its Summary Report to NASA, the White House, and the Congress on September 8, 2009. Shortly thereafter, the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation held a hearing on the report with Mr. Augustine appearing as our witness. The Augustine Panel released its full report at the end of September, and we have all been awaiting the response of the Obama administration to the report.

When the fiscal year 2010 Budget was submitted in 2009, the budget request for Exploration Systems included a notation that the amount requested was a ''placeholder'' number, and that, once the Human Space Flight Plans Review Committee completed its work, the Administration would submit an amended budget request to support the programmatic decisions made as a result of that report. That never happened. Instead, the response to the Augustine Panel Report was left to the fiscal year 2011 Budget request, which we received on February 1st. Because of the administration's failure to offer a budgetary blueprint until the fiscal year 2011 budget, we will now experience yet another year's delay in undertaking the steps necessary to advance beyond the uncertainty about the future of human space flight programs that prompted the review.

The Augustine Panel provided five basic options for consideration, with an additional two options that were modifications of these five basic options. The Augustine Panel thus provided a total of seven approaches that could be taken to ensure America's continued leadership in space—to establish a space program ''worthy of a great nation,'' as suggested by the title of their final report. None of those options leapt out as the obvious, consensus answer to the mix of vehicle development options and strategies necessary to meet the challenges of the next generation of human space flight. There was, however, a clear consensus on two important points.

First, the Panel found that, without a significant increase in the total amount of funding made available to NASA, none of the options presented could be expected to succeed—including the current plans and programs for developing the Ares 1 and Ares V launch vehicles and the Orion Crew Exploration Vehicle. The Panel's conclusion underscored what we in the authorizing committees have been saying for the past five years, and which formed the basis for the funding levels that we authorized in both our 2005 and 2008 NASA Authorization Acts, which would have led to a more timely and successful level of development for the vehicles to replace the space shuttle systems. The Bush administration, however, simply never requested that level of funding. In fact, the prior Administration even reduced the level of funding for those programs that had been projected in the run-out estimates included in the fiscal year 2005 Budget Request, which initiated the ''Vision for Exploration'' announced by President Bush on January 14, 2004.

Second, the Panel recommended that a decision be made to formally extend U.S. plans to operate and utilize the ISS through at least the year 2020. This was also consistent with guidance the authorizing committees provided in the 2008 NASA Authorization Act, where we directed NASA to take no steps to preclude operations of ISS through at least 2020, and directed the Agency to provide a plan which would outline how they would prepare to support and utilize the space station for that extended period of time. Up to that point, NASA's internal planning—and budget guidance from the Office of Management and Budget—was to cease operations aboard the space station in 2015, just five years after its assembly and outfitting would finally be completed by the remaining space shuttle flights.

Some of the good news in the fiscal year 2011 Budget Request is that the Obama administration agrees with the need to continue supporting the space station to at least 2020, and to expand and increase its utilization for research. That is welcome news. The problem is that the request does not provide the means to ensure that the extension and full utilization of the space station can be realized.

It is worth noting that after the budget reductions were made for Exploration in the 2006 Budget Request, the number of flights planned to complete space station assembly were reduced—at the direction of OMB for purely budgetary reasons—from 28 remaining flights to 17 flights, plus an optional added flight to conduct a final mission to service the Hubble Space Telescope. The effect of those reductions was to force NASA to change the planned payloads for those remaining 17 flights to try to accommodate the most important spare parts and replacement parts from the 10 ''cancelled'' flights, for ensuring the safe and effective operation and utilization of the station. Ten flights' worth of flight-ready payloads—averaging between 40,000 to 50,000 pounds per flight—were essentially relegated to storage warehouses where most of them remain today, ready to fly, ready to use, but with no guaranteed ''ticket to ride'' to be of any use to the station. Over 1,400 parts and pieces of equipment, Mr. President! What is most important to remember, is that the decisions about which instruments and equipment to swap into the remaining flights were based on the internal assumption of the need to support the ISS through 2015—not through 2020.

The result of this is that we do not know how many, or which, of those ''grounded payload'' items might actually be needed in order to ensure the station can be supported and maintained until 2020. Not only that, we do not know which, or how many, of them are simply too large or too heavy to be carried to orbit by any existing vehicle other than the space shuttle. And finally, we do not know what additional items might need to be ordered, manufactured and delivered in the future, or what launch vehicle capacity will be needed to deliver them to the station.

This is not the way a great nation should conduct its civil space program. This is not the way to ensure that a decision and pronouncement to continue operations through 2020 will not become an empty gesture due to the deterioration, damage, or failure of equipment and systems vital to providing the oxygen, water, power to make the ISS habitable and to support scientific research in the period following 2015.

This is just one example of the type of considerations that preparations that the Obama administration appears to have ignored while preparing its response to the Augustine panel Report. It is an issue I propose to address, among many, in the legislation being introduced today.

Since last May, when the President announced the appointment of a Committee to review U.S. Human Space Flight Plans, we have all been waiting for clear policy direction based on the report of that Committee, which was released in late September. Throughout that time, at my direction, my committee staff carefully followed the public meetings and briefings of the Augustine panel, and considered the implications of the various options discussed and eventually included in the panel's final report.

In the course of that ongoing review, as well as our Committee hearing last September, I began forming my own conclusions about the correct path for the future of U.S. human space flight programs, as is my responsibility as the Ranking Republican on the policy and oversight committee for NASA. The key factors driving my position regarding that path forward have been: the need to maintain U.S. leadership in space exploration, which I believe is essential to our economic and national security; the need to ensure we do not lose the skills, expertise and industrial capacity that are necessary to conduct space exploration; the need to ensure, as our Committee has in the previous two NASA Authorization bills we have developed and seen enacted into law, that NASA has both a balanced range of activities across its full mission responsibilities, and was authorized the funds needed to carry out that range of activities; and the need to protect—and capitalize on—our massive investment in the ISS, which, along with our international partners, is close to $100 billion. Now that it is almost completed and has a six-person permanent crew, we can begin to conduct the research that we have anticipated all these years during its construction. Research that has the potential to fundamentally change and enhance our understanding of physical processes, vaccine development, and a whole host of other research.

In order to meet those needs, we must first take steps to ensure we do not have an extended period of time during which there is no capability within the United States to launch humans into space, whether to the space station or any other destination. The easiest, most logical and obvious answer in the short term is to continue to use the one launch vehicle that already exists, has a proven history of 98.7 percent probability of success for each mission, and upon which the space station was designed, assuming the shuttle's availability throughout the station's on-orbit lifetime to provide support and maintenance.

Prematurely and voluntarily ending the space shuttle program without a near-term U.S.-built alternative on the horizon simply seems irresponsible, and that is an issue that I believe the Congress must address. While the Space Shuttle will never be completely safe, just as with any vehicle that must carry humans into the harsh environment of space, it is currently flying as safely, if not more safely, than it ever has.

The legislation I am introducing today would ensure that a final decision on the timing of the space shuttle retirement, or even the number of missions it might still be required to fly, would not be made until the issues involved are fully considered and resolved and we are fully convinced that the shuttle's capability is no longer needed. In particular, we must answer the question of how we support, maintain, and fully utilize the ISS, not just in 5 or more years, when any new commercially-developed vehicle might be available, but right now, as we are about to cut the ribbon on it as a finally completed research facility.

I have already mentioned the lack of complete information regarding the ability to adequately ensure the availability and deliverability of spare and replacements parts needed between now and 2020 to keep the space station fully and safely functional. All this is to underscore that the issue of whether to continue flying the shuttle, and the number of additional shuttle flights that are needed, is not simply a matter of shortening the gap between shuttle retirement and the availability of its replacement, or protecting a vitally important workforce. This issue also requires policy makers to understand what the space shuttle can do—and possibly do exclusively in the case of large, heavy replacement systems and structures—to ensure that the promise to extend the ISS to 2020 can actually be fulfilled. We must be certain the ISS can be kept alive and fully functioning over the next 10 years. Again, the administration's Budget Request offers no answers to how we will be able to deliver all the equipment necessary to extend the life of the ISS if the shuttle is not available.

I am also very concerned about the proposal to simply cancel the Constellation programs of Ares 1, the low-earth orbit crew launch vehicle, the Ares V Heavy Lift vehicle for enabling flights beyond low-Earth orbit, and the

Orion Crew Exploration capsule to carry the crews for both of those missions. It is very clear that many of my colleagues are also deeply concerned about this part of the President's budget. I simply believe any decision to terminate those projects needs much more consideration than I believe it has gotten during the preparation of the Obama administration's proposal for NASA.

The approach of the administration—their so-called ''bold new initiative''—is to turn to an entirely new approach based exclusively on the development of commercially-developed crew launch systems. There appears to have been little thought given to how we might leverage the $9 billion already spent on the Constellation vehicles in the identification of potential providers for those commercial systems. I believe that is wasteful and irresponsible and all but guarantees that commercial developments will start from scratch—and therefore take much longer to develop and be much more costly, in the long run, to the American taxpayers.

Another concern with this new approach is that we do not yet have any details about how the $6 billion proposed in the Budget Request for commercial space flight over the next 5 years will be allocated and what it will be expected to support. We don't know whether this will be a collaborative program, creating incentives for matching funding from the private sector, or whether it will represent more of a government subsidy to develop systems for which there may not be a sustainable market for those services beyond what NASA would purchase. I am philosophically and fundamentally opposed to such government subsidies, particularly when it is not clear that taxpayer funding for an approach like this won't have to be followed by even more taxpayer dollars to keep the systems available to meet the needs of the space station, or other government space projects.

The legislation I am proposing will address that issue by directing NASA to consider ''commercial'' options that include the possibility of agreements not only with the ''entrepreneurial'' start-up companies like SpaceX, which represent an exciting but still unproven set of vehicles designed to service a still non-existent commercial market, but also with other, longer-standing and experienced commercial companies. The key aerospace companies with whom NASA currently has development contracts might well be able to jointly develop a new launch system as a modification of their existing contracts under the Constellation program. They could combine their expertise and capability to transition their efforts toward developing a new launch capability based on existing shuttle main engines, external tank manufacturing capability, solid rocket motors, and the Orion crew vehicle. Something like that has been, I am told, a subject of informal conversations among those companies for some time. I believe we need to ensure through legislation that such an alternative will be fully evaluated and considered as one possible approach to the new ''commercial'' space systems development. We have not been given details of this possible approach, because those discussions are apparently still ongoing. But I believe we need to make sure there is a legislative underpinning that would at least allow the full consideration of that approach.

I would not view such an approach as precluding the continued pursuit of the current COTS, Commercial Orbital Transportation Systems, activities being pursued with SpaceX and Orbital Sciences Corporation for cargo delivery services for the Space Station. I have consistently supported that development and believe we should continue to do so. My concern, one I know that of a number of my colleagues share, is to ensure we have redundant and alternative means of providing U.S. human spaceflight capability. If one of those can be more fully commercial in nature, and something that can stand on its own without the taxpayers being responsible for their success, so much the better.

I will be working with my colleagues in the Senate, and reaching out to our counterparts in the House of Representatives, to ensure all of these issues are put on the table for discussion, using the vehicle of this legislation to provide an alternative view to that proposed by the Obama Administration.

This legislation actually tracks closely with the President's request, in terms of the amounts authorized for NASA. It authorizes programs largely at funding levels already enacted for fiscal year 2010, with some very minor exceptions, and at the same base account levels requested by the administration for fiscal year 2011 and fiscal year 2012.

What my legislation adds is the authorization levels necessary to implement the potential continuation of space shuttle flights, at a greatly reduced annual level of flights and associated costs, as well as modest increases in the short-term for the establishment and support of an enterprise to be developed to manage and operate the U.S. National Laboratory.

The greatest difference, as I have indicated, is that this legislation points the way to what I believe is a more measured and reasoned approach that ensures the best use of investments we have already made, provides the Congress and the administration with necessary information to inform our judgments on alternative launch vehicle developments, and provides a means of avoiding severe economic dislocations in the aerospace industry and the highly skilled and dedicated workforce that has provided the capability for this nation to be the world leader in space exploration.

I strongly encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3068

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 ''Human Space Flight Capability Assurance and Enhancement Act of 2010''.

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

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States Human Space Flight program has, since the first Mercury flight on May 5, 1961, has been a source of pride and inspiration for the Nation.

(2) The extraordinary challenges of achieving access to space both motivated and accelerated the development of technologies and industrial capabilities that have had widespread applications which have contributed to the technological excellence of the United States.

(3) It is essential to the economic well-being of the Nation that the aerospace industrial capacity, highly skilled workforce, and embedded expertise remain engaged in demanding, challenging, and exciting efforts that ensure United States leadership in space exploration and related activities.

(4) The completion of the International Space Station, the ability to sustain a crew of at least 6 members, and the ability to conduct unique microgravity research that can only be accomplished in the space environment, provides an opportunity for scientific and technological advancement that must be immediately and fully exploited.

(5) The designation of the U.S. Segment of the International Space Station as a National Laboratory, as provided in section 507 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16767) and as further provided in subtitle A of title VI of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17751 through 17753), provides an opportunity for multiple United States government agencies, University-based researchers, commercial research organizations, and others to utilize the unique environment of microgravity for fundamental scientific research and potential commercial developments.

(6) In order to assure the full and complete utilization of the International Space Station, including the ability to sustain the systems and physical infrastructure of the vehicle, effective and timely transportation systems are required, which must be able to deliver the full range of logistics, support, and maintenance items which may be necessary through the year 2020.

(7) For some potential replacement elements necessary for Space Station sustainability, the Space Shuttle represents the

only vehicle, existing or planned, capable of carrying those elements to the International Space Station in the near term.

(8) In order to ensure effective utilization of Space Station research facilities, the capability for returning processed experiment samples and research-related equipment to Earth is essential.

(9) The maintenance of human exploration goals, such as a return to the Moon, a voyage to Mars, or other celestial bodies or locations is essential for providing the necessary long-term focus and programmatic robustness of the United States civilian space program.

(10) The United States must develop, as rapidly as possible, replacement vehicles capable of providing both human and cargo launch capability to low-Earth orbit and, by expansion or modification of core design features, capable of delivering large payloads into low-earth orbit or to destinations beyond low-Earth orbit.

(11) While commercial transportation systems may contribute valuable services, it is in the United States' national interest to maintain a government-operated space transportation system for crew and cargo delivery to low-Earth orbit and beyond.

SEC. 3. STATEMENT OF HUMAN SPACE FLIGHT POLICY.

(a) USE OF NON-U.S. HUMAN SPACE FLIGHT TRANSPORTATION CAPACITY.—It is the policy of the United States that reliance upon and use of non-United States human space flight capability shall only be undertaken as a temporary contingency in circumstances where no United States-owned and operated human space flight capability is available, operational, and certified for flight by appropriate Federal agencies.

(b) U.S. HUMAN SPACE FLIGHT CAPACITY.—The Congress reaffirms the policy stated in section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(a)), that the United States shall maintain an uninterrupted capability for human space flight and operations in low-earth orbit, and beyond, as an essential instrument of national security and the ability to ensure continued United States participation and leadership in the exploration and utilization of space.

SEC. 4. SPACE SHUTTLE OPERATIONS.

(a) RETENTION OF SPACE SHUTTLE OPERATIONS CAPABILITY.—

(1) IN GENERAL.—The Administrator shall take all necessary steps to ensure that all Space Shuttle Program activities and operations are able to continue, or to be resumed, including flight operations and support, pending the completion of the reviews, requirements, and reports of this section.

(2) CURRENT SHUTLE MANIFEST FLIGHT ASSURANCE.—The Administrator shall take all steps necessary to ensure shuttle launch capability through fiscal year 2011 to enable launch, at a minimum, of all payloads manifested as of February 28, 2010. In fulfillment of this requirement, the Administrator is prohibited from terminating any contractor support which will endanger or inhibit the launching of shuttle payloads manifested as of February 28, 2010, should launches be required after the first quarter of fiscal year 2011.

(b) CERTIFICATION OF SPACE SHUTTLE SYSTEMS; VALIDATION OF FLIGHT READINESS DETERMINATION PROCEDURES.—No later than 30 days after the date of enactment of this Act the Administrator shall ask the National Academies of Science to appoint a Flight Certification Review Committee, consisting of 5 individuals with appropriate engineering expertise and experience in certification of space flight vehicle hardware, systems, and equipment testing and validation procedures, to review space shuttle certification activities undertaken or initiated after February, 2003. The Committee shall provide an assessment regarding the adequacy of those validation procedures in assuring vehicle durability, flight-worthiness, and sustainability for continued operations through a period of up to 5 years beyond the space shuttle flight manifest planned as of February, 2010. The Committee shall take into account current and historical trends in anomaly detection and resolution within major components of the space shuttle systems.

(c) COMPLETION OF CERTIFICATION REVIEW AND REPORTING REQUIREMENT.—The Committee appointed under subsection (b) shall complete its task within 90 days of its appointment and shall provide its findings and determinations concurrently to the Administrator and to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(d) SPACE SHUTTLE CAPABILITY RETENTION.—Notwithstanding any other provision of law, to the extent practicable NASA shall operate the Space Shuttle program at a flight rate of no more than 2 missions in any consecutive 12-month period beginning during the fiscal years for which appropriations are authorized under section 9 of this Act.

(e) EXISTING HARDWARE COMPONENTS.—The Administrator shall ensure that hardware components in existence as of March, 2010, remain available for use in connection with any additional flights required under subsection (g)(2) beyond those on the current flight manifest schedule.

(f) PROHIBITION OF SCHEDULED TERMINATION.—The Administrator may not terminate the Space Shuttle Program as of a scheduled date certain.

(g) TERMINATION CONDITIONS.—Termination of space shuttle missions operations shall be contingent upon—

(1) completion of the space shuttle flights planned as of February 28, 2010;

(2) delivery of remaining manufactured orbital replacement units, research instrumentation, and other maintenance materials and equipment originally scheduled for delivery to the International Space Station in the flight manifest schedule prepared no later than November, 2005, and which are identified in the review required by section 5(b)(2) and deemed essential for maintenance and support of the International Space Station through the end of fiscal year 2020, and which require the payload capability of the space shuttle Orbiter for delivery to the International Space Station; and

(3) a determination by the President that termination of space shuttle missions in support of International Space Station operations—

(A) is consistent with paragraph (2) of this subsection, and any other provision of this Act regarding the provision of human space flight capabilities; and

(B) will not cause a degradation of the equipment, logistics, cargo up-mass and down-mass delivery capability necessary to provide full utilization of international space station science and research capabilities for both United States National Laboratory and International Partner scientific research and experimentation which the United States is obligated by international agreement to provide.

(h) ADDITIONAL DETERMINATION REQUIREMENTS.—The President shall include in such a determination a detailed description of alternate means for the provision of necessary support for the conduct of full utilization of the International Space Station for research and development in science, engineering, and technological development, the scheduled availability of such alternative means of support, and such materials as may be necessary to justify the determination.

(i) NOTICE TO CONGRESS.—The President shall provide any determination under this section to the committees of jurisdiction, which shall review such determination and consider whether to recommend legislative action to establish further conditions for termination of space shuttle operations.

(j) TERMINATION.—The Administrator may not take steps to terminate the Space Shuttle Program before the later of—

(1) the date that is 60 legislative days after receipt of the determination by the Congress; or

(2) the date on which the Congress has taken final action with respect to any bill reported by a committee of jurisdiction pursuant to subsection (i).

(k) DECOMMISSIONING OF ORBITER VEHICLES.—

(1) IN GENERAL.—Upon the termination of the Space Shuttle program as provided in this section, the Administrator shall assume responsibility for decommissioning the remaining orbiter vehicles according to established safety and historic preservation procedures prior to their designation as surplus government property. The remaining orbiter vehicles shall be made available and located for display and maintenance by a competitive procedure established pursuant to the disposition plan developed under section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)), with priority consideration given to eligible applicants meeting all conditions of that plan which would provide for the location, display, and maintenance of one orbiter at or near the Johnson Space Center, in Houston, Texas, and one orbiter at or near the Kennedy Space Center near Titusville, Florida.

(2) DISPLAY AND MAINTENANCE.—The orbiter vehicles made available under paragraph (1) shall be displayed and maintained through agreements and procedures established pursuant to section 613(a) of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17761(a)). NASA shall be responsible for the costs of safely decommissioning, transporting, and re-assembling the orbiter vehicle for display.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA such sums as may be necessary to carry out this subsection.

(l) PRESERVATION OF VEHICLE AND SYSTEMS DESIGN AND ENGINEERING DATA.—The Administrator shall immediately take all necessary steps to ensure the collection and preservation of space shuttle structures, systems, and infrastructure design, manufacturing, testing, and maintenance data for historical archival purposes and for possible use as technical resource material and programmatic lessons learned and technical interchange applicability for future space vehicle design and operations.

SEC. 5. INTERNATIONAL SPACE STATION OPERATIONS.

(a) POLICY STATEMENT.—It shall be the policy of the United States, in consultation with its International Partners in the International Space Station program, to support full and complete utilization of the Space Station through at least the year 2020.

(b) MAINTENANCE OF U.S. SEGMENT.—

(1) IN GENERAL.—The Administrator shall take all steps necessary to ensure the safe and effective operations, maintenance, and maximum utilization of the United States Segment of the International Space Station through fiscal year 2020.

(2) VEHICLE AND COMPONENT REVIEW.—In carrying out paragraph (1), the Administrator shall, immediately upon enactment of this Act, conduct an in-depth assessment of

all essential modules, operational systems and components, structural elements, and permanent scientific equipment on board or planned for delivery and installation aboard the International Space Station, including both United States and international partner elements, to determine anticipated spare or replacement requirements to ensure complete, effective, and safe function and full scientific utilization of the ISS. The Administrator shall enable the Comptroller General to monitor and, as appropriate, participate in the review required by this paragraph in such a way as to enable the Comptroller General to provide an independent assessment of the review to the committees of jurisdiction.

(3) REPORTING REQUIREMENTS.—No later than 90 days after the date of enactment of this Act the Administrator shall provide the completed assessment to the committees of jurisdiction. The results of the required assessment shall include, at minimum, the following:

(A) The identification of spare or replacement elements and parts currently produced, in inventory, or on order, and the state of readiness and schedule for delivery to the ISS, including the planned transportation means for such delivery. Each element identified shall include a description of its location, function, criticality for system integrity, and specifications regarding size, weight, and necessary configuration for launch and delivery.

(B) The identification of anticipated requirements for spare or replacement elements not currently in inventory or on order, a description of their location, function, criticality for system integrity, the anticipated cost and schedule for design, procurement, manufacture and delivery, and specifications regarding size, weight, and necessary configuration for launch and delivery, including available launch vehicles capable of transportation of such items to the International Space Station.

(c) RESEARCH FACILITIES AND CAPABILITIES.—Utilization of research facilities and capabilities aboard the International Space Station other than exploration-related research and technology development activities, and associated ground support and logistics, shall be planned, managed, and supported by the organizations described in section 6.

SEC. 6. INTERNATIONAL SPACE STATION MANAGEMENT AND UTILIZATION.

(a) ESTABLISHMENT OF OFFICE OF RESPONSIBILITY FOR UNITED STATES SPACE STATION NATIONAL LABORATORY.—The Administrator shall establish responsibility for the International Space Station United States National Laboratory within the Space Operations Mission Directorate, ISS Program Office at NASA Headquarters, or any successor entity within NASA. The head of the Office shall be an official, designated by the Administrator, who shall serve as a Deputy Associate Administrator for International Space Station, or at an equivalent rank, and to whom responsibility shall be delegated for, at a minimum, the conduct of ISS operations, maintenance and utilization by both NASA and non-NASA organizations. The Officer shall serve as the formal liaison to the organization specified in subsection (b).

(b) ESTABLISHMENT OF NATIONAL LABORATORY MANAGEMENT ENTITY.—The Administrator shall execute an agreement with a cooperative organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code to manage the activities of the ISS United States National Laboratory. The organization shall be designed specifically for the unique purpose of developing and implementing research and development projects utilizing the International Space Station U.S. Segment, and to be engaged exclusively in this enterprise without other organizational objectives or responsibilities on behalf of the organization or any parent entity. The head of the office established by subsection (a) is responsible for liaison and management of the agreement. The Administrator shall delegate, at a minimum, the following responsibilities to the organization, which shall carry out its responsibilities in cooperation and consultation with the head of the office established by subsection (a):

(1) Planning and coordinating the ISS National Laboratory research activities.

(2) Development and implementation of guidelines, selection criteria, and flight support requirements for non-NASA scientific utilization of International Space Station research capabilities and facilities available in United States-owned modules or in partner-owned facilities allocated to United States utilization by international agreement.

(3) Interaction with and support of the International Space Station National Laboratory Advisory Committee, established under section 602 of the National Aeronautics and Space Administration Authorization Act of 2008 (42 U.S.C. 17752), and the review and implementation of recommendations provided by that Committee under the terms of the enabling legislation and subsequent organizational documents, negotiation, approval, and implementation of memoranda of understanding, Space Act agreements, or other authorized cooperative mechanisms, with non-NASA United States government entities, academic institutions or consortia, and commercial entities, leading to utilization of the United States International Space Station National Laboratory facilities.

(4) Coordination of transportation requirements in support of the United States International Space Station National Laboratory facilities, including provisions for delivery of instrumentation, logistics support, and related experiment materials, and provisions for return to Earth of collected samples, materials, and scientific instruments in need of replacement or upgrade.

(5) Cooperation with NASA, other Federal Agencies, States, or commercial entities in ensuring the enhancement and sustained operations of non-exploration-related spacestation research payload ground support facilities, including the Space Life Sciences Laboratory, Space Station Processing Facility and Payload Operations Control Center and any other ground facilities critical to the utilization of the International Space Station.

(6) Development and implementation of scientific outreach and education activities designed to ensure effective utilization of International Space Station research capabilities, through such instruments as memoranda of understanding, Space Act agreements executed by NASA, or other cooperative agreements, and through the conduct of scientific assemblies, conferences, etc., for presentation of research findings, methods and mechanisms for dissemination of non-restricted research findings, and development of educational programs, course supplements, interaction with educational programs at all grade levels, including student-focused research opportunities for conduct of research in the United States International Space Station National Laboratory managed facilities.

(c) RESEARCH FACILITIES ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—

(1) ALLOCATION OF ISS RESEARCH FACILITIES.—Beginning as soon as practicable after the date of enactment of this Act, United States International Space Station National Laboratory managed experiments shall be guaranteed access to, and utilization of, 50 percent of the United States research facilities allocation and requisite crew time through fiscal year 2014. Beginning with fiscal year 2015, the percentage allocation shall increase by an additional 10 percent per year through fiscal year 2020.

(2) ADDITIONAL RESEARCH CAPABILITY.—If the head of the ISS Program Office determines that there are NASA research plans that would require research capability beyond the percentage allocation under paragraph (1), those research plans shall be prepared in the form of requested research opportunities submitted to the established process for consideration of proposed research within the allocations and capabilities of the International Space Station National Laboratory, as provided in paragraph (1). These research proposals may include the establishment of partnerships with non-NASA institutions eligible to propose research to be conducted within National laboratory allocated research facilities. Until fiscal year 2020, the head of the Office may grant exceptions to this requirement if the proposed experiment is deemed essential for purposes of preparing for exploration beyond low Earth Orbit, as determined by joint agreement between the organization described in subsection (a) and the head of the office established under subsection (b).

(3) RESEARCH PRIORITIES AND ENHANCED FACILITIES.—The organization described in subsection (b) and the head of the office established under subsection (a) shall take into account recommendations of the National Academies of Science Decadal Survey on Life and Microgravity Sciences in establishing research priorities and in developing proposed enhancements of research facilities and opportunities.

(4) RESEARCH PAYLOAD RESPONSIBILITY.—NASA shall retain its roles and responsibilities in providing research payload transportation integration and operations processes essential to ensure safe and effective flight readiness and vehicle integration of research facilities and activities approved and prioritized by the organization described in subsection (b) and the head of the office established under subsection (a).

SEC. 7. TRANSPORTATION SYSTEMS DEVELOPMENT.

(a) IN GENERAL.—The Administrator shall take steps to ensure that the development of space transportation vehicles, systems, and infrastructure shall occur in such a way as to ensure the availability of complementary and, where necessary, redundant transportation systems capable of delivering crew and cargo to low-Earth orbit, in particular to the International Space Station, and to destinations beyond low-Earth orbit. Systems developed and operated by the United States Government shall be the primary means for delivering crew and cargo to destinations in low-Earth orbit until such time as commercial entities demonstrate, through a successful flight regime, as determined by established milestones within current Space Act Agreements, that they have the capability to deliver cargo to destinations in low-Earth orbit, including the International Space Station. Systems developed and operated by the United States government shall be the primary means for delivering crew and cargo to destinations beyond low earth orbit. Commercially developed launch systems, such as those being developed under NASA's Commercial Orbital Transportation System, for which the United States government will serve primarily as a customer, shall be the primary means for delivering cargo to the International Space Stations once they have successfully demonstrated

that capability, as required by this subsection.

(b) NATIONAL SPACE TRANSPORTATION SYSTEM.—The Administrator is directed to develop a plan, no later than 90 days after the date of enactment of this Act, for the establishment of a National Space Transportation System. The National Space Transportation System shall include—

(1) an architecture of government developed and operated space transportation systems, including one or more launch vehicles and associated crew and cargo carriers;

(2) a streamlined approach to development and acquisition of such systems funded and overseen by the United States Government, including possible adoption or modification of effective acquisition practices utilized by the Department of Defense, where appropriate, to more effectively meet civil space transportation requirements;

(3) an operational concept that utilizes existing government and industry personnel and infrastructure in an efficient and cost effective manner;

(4) continuation or modification of ongoing programs, associated contracts, and testing and evaluation plans initiated under the Constellation Program, including the Orion Crew Exploration Vehicle and the Ares-1 Crew Launch Vehicle, to the extent that such elements are determined to be cost effective and operationally effective;

(5) a plan for incrementally upgrading initially developed and deployed systems so that such systems can be made operational with existing technology at the earliest possible opportunity and then upgraded over time to fulfill more demanding missions and incorporate new technology as it becomes available; and

(6) a United States Government managed approach for overseeing and ensuring crew safety, including oversight of human ratings requirements established under subsection (f)1)(C) of this section.

(c) TECHNOLOGY DEVELOPMENT TO SUPPORT NATIONAL SPACE TRANSPORTATION SYSTEMS EVOLUTION.—The Administrator shall develop and keep up to date a technology development plan to support the evolving requirements of the National Space Transportation System, both for low-Earth orbit requirements and for missions beyond low-Earth orbit. Technology funding provided pursuant to this subsection shall be determined based on the specific mission benefits and the performance requirements needed to achieve clearly identified mission objectives, such as planning to reach destinations beyond low-Earth orbit. There are authorized to be appropriated to the Administrator such amounts for technology funding for propulsion elements as may be necessary to advance the state of the art in propulsion elements as a priority over developments of current state of the art in propulsion systems.

(d) HEAVY-LIFT VEHICLE DEVELOPMENT.—

(1) REVIEW.—As part of the National Space Transportation system required in subsection (b) of this section, the Administrator is directed to conduct a review of alternative heavy lift launch vehicle configurations that may be developed by the United States government to transport crew and cargo to low-Earth orbit and beyond.

(2) CONTENT.—The review shall—

(A) include shuttle-derived vehicles which use existing United States propulsion systems, including liquid fuel engines, external tank, and solid rocket motor technology and related ground-based manufacturing capability, launch and operations infrastructure, and workforce expertise;

(B) take into consideration technologies developed under the Constellation Program, including those developed for the Ares I system;

(C) include consideration of the degree to which alternative vehicles may be developed in an evolutionary fashion with the objective of supporting initial crew and cargo transportation to the International Space Station by the end of 2013 and missions beyond low-Earth orbit by the end of 2018; and

(D) include comparative development and projected operational costs.

(e) NATIONAL SPACE TRANSPORTATION SYSTEM AUTHORITY TO PROCEED.—The Administrator is directed to select a heavy lift launch vehicle and accompanying crew vehicle design concept and to initiate detailed design activities no later than 6 months after the date of enactment of this Act. If ongoing program development elements and activities from the Constellation Program are to be included in such a National Space Transportation System, the Administrator shall take appropriate steps to extend or modify existing contracts to facilitate this objective.

(f) COMMERCIALLY-DEVELOPED SPACE TRANSPORTATION VEHICLES.—

(1) LAUNCH AND DELIVERY SYSTEMS.—The Congress restates its commitment, expressed in the National Aeronautics and Space Administration Acts of 2005 and 2008, to the development of commercially-developed launch and delivery systems to the International Space Station for crew and cargo missions, known as the Commercial Orbital Transportation System.

(2) PRELIMINARY REQUIREMENTS FOR COMMERCIAL CREW CAPABILITY DEVELOPMENT.—Before undertaking any development activity in support of commercially-developed crew transportation systems, the Administrator shall ensure that, at a minimum, the following steps are completed:

(A) HUMAN RATING REQUIREMENTS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and make publicly available detailed human ratings requirements to guide the design of commercially-developed crew transportation capabilities. The requirements shall be at least equivalent to proven requirements in use as of the date of enactment of this Act.

(B) COMMERCIAL MARKET ASSESSMENT.—The Administrator shall initiate, using an appropriate and qualified independent entity, an assessment of the potential non-government market for commercially-developed crew and cargo space transportation systems and capabilities. The assessment shall—

(i) include activities associated with potential private sector utilization of International Space Station research and technology development capabilities and other potential activities in low-Earth orbit; and

(ii) be completed and provided to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(C) PROCUREMENT SYSTEM REVIEW.—The Administrator shall review established government procurement and acquisition practices and processes, including Space Act Agreement authorities, to determine the most cost-effective means of procuring commercial crew capabilities and related services which will ensure appropriate accountability, transparency, and maximum efficiency in the procurement of such services. The review shall include a description of proposed measures to address risk management processes and the means of indemnification for third party commercial entities, and processes for quality control, safety oversight, and application of Federal oversight processes within the jurisdiction of other Federal agencies. A description of the proposed procurement process and justification for its selection shall be included in any proposed initiation of procurement activity for commercially-developed crew transportation services and shall be subject to review by the committees of jurisdiction before the initiation of any competitive process to procure such services. In support of the committee review, the Comptroller General shall undertake an assessment of the review required by this subparagraph and provide a report to the committees of jurisdiction within 90 days after the date on which the Administrator provides the description and justification to the committees of jurisdiction.

(D) USE OF GOVERNMENT-SUPPLIED CAPABILITIES AND INFRASTRUCTURE.—In evaluating any proposed development activity for commercially-developed crew or cargo launch capabilities, the Administrator shall identify the anticipated contribution of government personnel, expertise, technologies, and infrastructure to be utilized in support of design, development, or operations of such capabilities. The Administrator shall include details and associated costs of such support as part of any proposed development initiative for the procurement of commercially-developed crew or cargo capabilities or services.

(E) ESTABLISHMENT OF FLIGHT DEMONSTRATION AND READINESS REQUIREMENTS.—The Administrator shall establish appropriate milestones and minimum performance accomplishments which must be completed before any authority is granted to proceed to procurement of commercially-developed crew transportation systems or capabilities.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that the development of commercial capabilities for the use of space may be of value in maximizing the utility and productivity of the International Space Station by providing a commercial means of enabling crew transfer and crew rescue services for the International Space Station. The Congress further believes that once such commercial services have demonstrated the capability to meet established ascent, entry, and International Space Station proximity operations safety requirements the United States should make use of domestic commercially-provided crew transfer and crew rescue services to the maximum extent practicable. The Congress further believes that the National Aeronautics and Space Administration should expedite, where possible, the use of domestic commercially provided International Space Station cargo missions, and that upon the certification by appropriate Federal agencies of operational flight readiness for the provision of commercial crew transportation capabilities, the Administrator should limit, to the maximum extent practicable, the use of a United States government crew transportation vehicle to missions carrying crew beyond low Earth orbit.

(4) LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS.—No funds authorized to be appropriated by this Act may be obligated or expended for the purpose of procuring a commercially-developed crew transportation vehicle prior to completion of the requirements of paragraph (2) of this subsection.

(g) CARGO RETURN CAPABILITY.—The Administrator is directed to conduct a study of alternative means for development of the capability for a soft-landing return for return research samples or other derivative materials, and small to mid-sized (up to 1,000 kilograms) equipment for return and analysis, or refurbishment and redelivery to the ISS. If the Administrator decides that an independent study is appropriate, the results of the study shall be transmitted to the committees of jurisdiction no later than 120 days after the date of enactment of this Act.

(h) REPORT TO COMMITTEES OF JURISDICTION.—The Administrator shall submit a report to the committees of jurisdiction on

plans for implementing the requirements of this section no later than 90 days after the date of enactment of this act.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) COMMERCIAL ENTITY.—The term ''commercial entity'' means a for-profit entity operating in such a way that—

(A) private capital is at risk in the provision of a product, activity, or service;

(B) there are existing or potential nongovernmental customers for the product, activity, or service conducted or provided by the entity;

(C) the commercial market ultimately determines the viability of such product, activity, or service; and

(D) primary responsibility and management initiative for the entity resides with the private sector.

(3) COMMITTEES OF JURISDICTION.—The term ''committees of jurisdiction'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science and Technology of the House of Representatives.

(4) DOWN-MASS.—The term ''down-mass'' means physical elements, such as equipment removed for repair, replacement or analysis, experiment products, samples and devices, tools, personal crew items, manufactured goods, or other non-disposable items, including historically significant materials or items, whether the property of the United States or an international partner, or a nongovernment or commercial entity.

(5) ISS.—The term ''ISS'' means the International Space Station.

(6) ISS NATIONAL LABORATORY.—The term ''ISS National Laboratory'' means the International Space Station United States National Laboratory Enterprise.

(7) LEGISLATIVE DAY.—The term ''legislative day'' means any calendar day on which the Senate and the House of Representatives are in session.

(8) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(9) SPACE ACT.—The term ''Space Act'' means the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(10) UNITED STATES SEGMENT OF THE INTERNATIONAL SPACE STATION.—The term ''United States Segment of the International Space Station'' includes all structural elements, supporting equipment, external attachment locations, pressurized modules, and associated contents, purchased or manufactured by or for the United States, and partner-supplied facilities allocated for utilization as determined through bilateral and multilateral agreements.

(11) UP-MASS.—The term ''up-mass'' means physical elements, such as equipment, spare parts, replacement parts, experimental facilities, and associated materials, and various supplies necessary for the operation and maintenance of the space station vehicle, modules, hardware, and crew support.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) FY 2010.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2010:

(1) Space Science Mission Directorate, $4,493,300,000.

(2) Exploration Systems Mission Directorate, $3,779,800,000.

(3) Space Operations Mission Directorate, $6,180,600,000.

(4) Aeronautics and Space Research and Technology Mission Directorate, $682,200,000.

(5) Education Programs, $183,800,000.

(6) Cross-Agency Support, $2,919,900,000.

(7) Construction and Environmental Compliance and Restoration, $448,300,000.

(8) Office of Inspector General, $35,000,000.

(b) FY 2011.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year fiscal year 2011:

(1) Space Science Mission Directorate, $5,005,600,000.

(2) Exploration Systems Mission Directorate, $4,263,400,000.

(3) Space Operations Mission Directorate, $4,887,800,000.

(4) Aeronautics and Space Research and Technology Mission Directorate, $1,151,800,000.

(5) Education Programs, $145,800,000.

(6) Cross-Agency Support, $3,111,400,000.

(7) Construction and Environmental Compliance and Restoration, $397,300,000.

(8) Office of Inspector General, $36,000,000.

(c) FY 2012.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 2012:

(1) Space Science Mission Directorate, $5,248,600,000.

(2) Exploration Systems Mission Directorate, $4,577,400,000.

(3) Space Operations Mission Directorate, $4,290,200,000.

(4) Aeronautics and Space Research and Technology Mission Directorate, $1,596,900,000.

(5) Education Programs, $145,800,000.

(6) Cross-Agency Support, $3,189,600,000.

(7) Construction and Environmental Compliance and Restoration, $363,800,000.

(8) Office of Inspector General, $36,000,000.

(d) SPACE SHUTTLE SUSTAINING OPERATIONS.—For purposes of implementing section 4, there are authorized to be appropriated an additional $200,000,000 for Space Shuttle operations in fiscal year 2010, $1,200,000,000 for Space Shuttle Operations in fiscal year 2011, and $2,000,000,000 for Space Shuttle Operations in fiscal year 2012.

(e) ISS OPERATIONS.—For purposes of implementing section 5, there are authorized to be appropriated an additional $36,000,000 for fiscal year 2010 for procurement of necessary spares, replacement units, and associated transportation costs of elements necessary to ensure viable sustained vehicle maintenance and operations, $100,000,000 for fiscal year 2011, and $100,000,000 for fiscal year 2012.

(f) ISS UTILIZATION.—For purposes of implementing section 6, there are authorized to be appropriated an additional $20,000,000 in fiscal year 2010, $15,000,000 for fiscal year 2011, and $15,000,000 for fiscal year 2012.

(g) NO FISCAL YEAR LIMITATION ON FUNDING.—All funds appropriated pursuant to this section shall remain available until expended.

(h) TRANSFER OF FUNDS.—The Administrator may transfer funds among any of the accounts identified in this section if, not less than 30 days before the date of any such transfer, the Administrator provides a detailed explanation of the needs for the transfer, the amount proposed to be transferred, and an analysis of the impact on activities from which funding is proposed to be transferred, to the committees of jurisdiction of the House of Representatives and the Senate. No such transfer shall occur until the Administrator has received an affirmative response indicating agreement to the proposed transfer from the chairs of the committees of jurisdiction.

SEC. 10. APPLICATION WITH OTHER LAWS.

The proviso under the heading ''EXPLORATION'', under the heading ''SCIENCE'' in the matter dealing with the National Aeronautics and Space Administration in the Science Appropriations Act, 2010 (title II of division B of the Consolidated Appropriations Act, 2010; Public Law 111–117) shall not apply to any activity authorized under this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 430—COMMENDING THE MEMBERS OF THE 45TH AGRI-BUSINESS DEVELOPMENT TEAM OF THE OKLAHOMA NATIONAL GUARD, FOR THEIR EFFORTS TO MODERNIZE AGRICULTURE AND SUSTAINABLE FARMING PRACTICES IN AFGHANISTAN AND THEIR DEDICATION AND SERVICE TO THE UNITED STATES

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 430

Whereas members of the 1–45th Agri-Business Development Team (ADT) took control of the ADT mission in the Paktya and Paktika provinces of eastern Afghanistan from the 1–16th ADT from the Tennessee National Guard on December 21, 2009, and members of the 2–45th ADT are planned to take over their mission in the summer of 2010;

Whereas the members of the ADT of the Oklahoma National Guard are experts in civilian agriculture practices and will provide important resources to the Afghan population in fostering sustainable agriculture practices, improving food production and processing, providing secure storage facilities and controlled temperature facilities, and ensuring secure and legal economic growth;

Whereas the International Agricultural Program at Oklahoma State University in Stillwater, Oklahoma, has provided valuable training for the 45th ADT pre-deployment and has provided a valuable educational research tool for Guardsmen and women deployed to Afghanistan;

Whereas agriculture accounts for 45 percent of the gross domestic product of Afghanistan and over 80 percent of the population of Afghanistan is engaged in farming and agriculture;

Whereas the 45th ADT works closely with the Provincial Director of Agriculture in Afghanistan to ensure farmers and ranchers in Afghanistan are receiving valuable assistance in rebuilding and restoring the agricultural economy of Afghanistan; and

Whereas the ADTs partner with the United States Department of Agriculture and the United States Agency for International Development (USAID) to provide interagency support to farmers in Afghanistan and are critical to the overall success to the mission in Afghanistan: Now, therefore, be it

Resolved, That the Senate commends the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for—

(1) their efforts to modernize agriculture and sustainable farming practices in Afghanistan; and

(2) their dedication and service to the United States.

SENATE RESOLUTION 431—EXPRESSING PROFOUND CONCERN, DEEPEST SYMPATHIES, AND SOLIDARITY ON BEHALF OF THE PEOPLE OF THE UNITED STATES TO THE PEOPLE AND GOVERNMENT OF CHILE FOLLOWING THE MASSIVE EARTHQUAKE

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 431

Whereas the massive 8.8-magnitude earthquake that struck Chile in the early hours of Saturday, February 27, 2010, has claimed approximatley 800 lives, according to government officials of Chile, and the death toll is expected to continue to rise as assessments of the devastation continue;

Whereas the earthquake hit most strongly in 6 central and south regions, from the capital, Santiago, and the nearby port of Valparaíso in central Chile, to the Bernardo O'Higgins, Maule, Bio Bio, and Araucanía regions of the south;

Whereas the regions most strongly hit are home to about 60 percent of the 17,000,000 inhabitants of Chile and account for approximately 70 percent of the gross domestic product of Chile;

Whereas the earthquake generated some tsunami activity, in addition to the earthquake, and several hundred people were killed in the coastal towns of Constitución and Talcahuano as a result;

Whereas many of the villages in the Juan Fernández archipelago were destroyed by tsunami activity;

Whereas the earthquake left an estimated 2,000,000 people homeless and damaged more than 1,000,000 homes, ⅓ of which may have to be demolished;

Whereas the earthquake, classified as a ''megathrust'' earthquake, unleashed an estimated 50 gigatons of energy and broke about 340 miles of the fault zone, according to the United States Geological Survey's National Earthquake Information Center;

Whereas aftershocks have continued, seriously complicating efforts to survey the damage and rescue survivors despite the noble efforts of local teams;

Whereas the Department of Defense has estimated that reconstruction costs could exceed $30,000,000,000, equivalent to 20 percent of the 2009 gross domestic product of Chile;

Whereas damage to ports and other infrastructure will hinder important exports and economic recovery;

Whereas Secretary of State Hillary Clinton visited Chile on March 2, 2010, and promised an extensive aid package, and the United States Ambassador to Chile requested emergency relief funding;

Whereas Chile enjoys excellent relations with the United States since its transition back to democracy, and both countries have emphasized similar priorities in the region, designed to strengthen democracy, improve human rights, and advance free trade;

Whereas Chile and the United States also maintain strong commercial ties, which have become more extensive since a bilateral free trade agreement between the two countries entered into force in 2004;

Whereas since 2004, the Government of Chile has worked with the Government of the United States and the international community as part of the multinational peacekeeping force in Haiti, first as a part of the Multinational Interim Force-Haiti (MIFH) and subsequently as a part of the United Nations Stabilization Mission in Haiti (MINUSTAH), committing more human material resources to MINUSTAH than it has to any previous peacekeeping mission; and

Whereas the Government of Chile and the Government of the United States and other regional partners have worked together in recent years to resolve a number of political issues in the Western Hemisphere, including crises in Venezuela, Bolivia, and Honduras, among others: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern, deepest sympathies, and solidarity on behalf of the people of the United States to the people and Government of Chile following the massive earthquake;

(2) applauds the friendship between the Governments and people of the United States and Chile and recommits to mutually beneficial cooperation in bilateral, multilateral, and Hemispheric contexts;

(3) strongly encourages the United States Government, with full consideration of the necessary institutional instruments, to offer all appropriate assistance, if requested by the Government of Chile, to aid in the immediate rescue and ongoing recovery efforts undertaken by the Government of Chile; and

(4) encourages the international community to join in relief efforts as determined by the Government of Chile.

SENATE RESOLUTION 432—A BILL SUPPORTING THE GOALS AND IDEALS OF THE YEAR OF THE LUNG 2010

Mrs. LINCOLN (for herself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 432

Whereas millions of people around the world struggle each year for life and breath due to lung diseases, including tuberculosis, asthma, pneumonia, influenza, lung cancer and chronic obstructive pulmonary disease (COPD), pulmonary fibrosis, and more than 8,100,000 die each year;

Whereas lung diseases afflict people in every country and every socioeconomic group, but take the heaviest toll on the poor, children, the elderly, and the weak;

Whereas lung disease is a serious public health problem in the United States that affects adults and children of every age and race;

Whereas lower respiratory diseases are the fourth leading cause of death in the United States;

Whereas the economic cost of lung diseases is expected to be $177,000,000,000 in 2009, including $114,000,000,000 in direct health expenditures and $64,000,000,000 in indirect morbidity and mortality costs;

Whereas nearly half of the world's population lives in or near areas with poor air quality, which significantly increases the incidence of lung diseases such as asthma and COPD, and more than 2,000,000 people die prematurely due to indoor and outdoor air pollution;

Whereas tuberculosis, an airborne infection that attacks the lungs and other major organs, is a leading global infectious disease;

Whereas no new drugs have been developed for tuberculosis in more than 5 decades and the only vaccine is nearly a century old, yet there were 9,400,000 new cases in 2008, and this curable disease kills 1,800,000 each year;

Whereas an estimated 12,000,000 adults in the United States, are diagnosed with COPD, and another 12,000,000 have the disease but don't know it;

Whereas COPD kills an estimated 126,000 people in the United States each year, is currently the fourth leading cause of death in the Nation, is the only one of the 4 major causes that is still increasing in prevalence, and is expected to rise to become the third leading cause of death in the United States;

Whereas lung cancer is the second most common cancer in the United States and the most common cause of cancer deaths;

Whereas the leading cause of lung cancer is long-term exposure to tobacco smoke;

Whereas about 23,400,000 people in the United States have asthma, a prevalence which has risen by over 150 percent since 1980;

Whereas asthma is the most common chronic disorder found in children, with 7,000,000 affected;

Whereas flu and pneumonia together are the eighth leading cause of death in the United States;

Whereas about 190,000 people in the United States are affected by acute respiratory distress syndrome (ARDS) each year, a critical illness that results in sudden respiratory system failure, which is fatal in up to 30 percent of cases;

Whereas about 75,000 people in the United States die as a result of acute lung injury, a disease that can be triggered by infection, drowning, traumatic accident, burn injuries, blood transfusions, and inhalation of toxic substances, which kills approximately the same number of people each year as die from breast cancer, colon cancer, and prostate cancer combined;

Whereas of the 10 leading causes of infant mortality in the United States, 4 are lung diseases or have a lung disease component;

Whereas pulmonary fibrosis (PF) is a relentlessly progressive, ultimately fatal disease with a median survival rate of 2.8 years that has no life-saving therapy or cure;

Whereas more than 120,000 people are living with PF in the United States, 48,000 are diagnosed with it each year, and as many as 40,000 die annually, the same as die from breast cancer;

Whereas the cause of sarcoidosis, an inflammatory disease that occurs most often in the lungs and has its highest incidence among young people aged 20 to 29, is unknown;

Whereas 15 years ago, people with pulmonary hypertension lived on average less than 3 years after diagnosis;

Whereas new treatments have improved survival rates and quality of life for those living with this condition, but it remains a severe and often fatal illness;

Whereas Lymphangioleiomyomatosis (LAM), a rare lung disease that affects women exclusively and is also associated with tuberous sclerosis, has no treatment protocol or cure and is often misdiagnosed as asthma or emphysema;

Whereas Hermansky-Pudlak Syndrome, a genetic metabolic disorder which causes albinism, visual impairment, and serious bleeding due to platelet dysfunction, has no cure and no standard of treatment;

Whereas children's interstitial lung disease, a group of rare lung diseases, has many different forms, including surfactant protein deficiency, chronic bronchiolitis, and connective tissue lung disease, and is thus difficult to diagnose and treat;

Whereas the Centers for Disease Control and Prevention estimates that 50,000,000 to 70,000,000 adults in the United States suffer from disorders of sleep and wakefulness;

Whereas insufficient sleep is associated with a number of chronic diseases and conditions, including diabetes, cardiovascular disease, obesity, and depression;

Whereas the average cost of treating severe COPD is 5 times higher than treating mild COPD;

Whereas the appropriate medication and disease management of asthma can reduce health care costs, including hospitalization, emergency room visits, and physician visits, by half;

Whereas the flu vaccine can prevent 60 percent of hospitalizations and 80 percent of deaths from flu-related complications among the elderly;

Whereas advances in medical research have significantly improved the capacity to fight lung disease by providing greater knowledge about its causes, innovative diagnostic tools to detect the disease, and new and improved treatments that help people survive and recover from this disease;

Whereas there is no cure for major lung diseases including asthma, COPD, and lung cancer;

Whereas chronic lung diseases are a leading cause of death and yet the quality of palliative and end-of-life care for patients with chronic lung disease is significantly worse than patients with other terminal illnesses;

Whereas the National Institutes of Health, through its many institutes and centers, through basic, clinical, and translational research, plays a pivotal role in advancing the prevention, detection, treatment, and cure of lung disease;

Whereas the Department of Veterans Affairs is actively engaged in research in respiratory diseases that impact the Nation's veterans;

Whereas the Environmental Protection Agency establishes air quality standard and enforcement programs to ensure the quality of the air we breathe;

Whereas the Centers for Medicare and Medicaid Services, provides essential health insurance benefits for millions of patients with respiratory disorders;

Whereas the Centers for Disease Control and Prevention, through its many centers and programs, provides valuable prevention and surveillance programs on diseases of the lung;

Whereas an international collaboration of medical professional and scientific societies is working to enhance the general public's understanding of respiratory diseases, their causes, prevention, treatment, and impact respiratory disease play in human health; and

Whereas the initiative, The Year of the Lung, seeks to raise awareness about lung health among the public, initiate action in communities worldwide, and advocate for resources to combat lung disease including resources for research and research training programs worldwide: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of the Year of the Lung.

SENATE RESOLUTION 433—SUPPORTING THE GOALS OF ''INTERNATIONAL WOMEN'S DAY''

Mrs. SHAHEEN (for herself, Mr. CARDIN, Mrs. GILLIBRAND, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 433

Whereas there are more than 3,300,000,000 women in the world;

Whereas women around the world participate in the political, social, and economic life of their communities and play the predominant role in providing and caring for their families;

Whereas women, as both farmers and caregivers, play a leading role in advancing food security for their families and communities;

Whereas the ability of women to realize their full potential is critical to the ability of a nation to achieve strong and lasting economic growth and political stability;

Whereas according to the 2009 World Economic Forum Global Gender Gap Report, ''[A] nation's competitiveness depends significantly on whether and how it educates and utilizes its female talent. To maximize its competitiveness and development potential, each country should strive for gender equality—that is, to give women the same rights, responsibilities and opportunities as men.'';

Whereas, also according to the same report, ''Every year of schooling increases a girl's individual earning power by 10% to 20%, while the return on secondary education is even higher, in the 15% to 25% range. Additionally, women reinvest 90%of their income back into the household, whereas men reinvest only 30% to 40%.'';

Whereas according to President Barack Obama, ''Our daughters can contribute just as much to society as our sons, and our common prosperity will be advanced by allowing all humanity—men and women—to reach their full potential.'';

Whereas according to Secretary of State Hillary Rodham Clinton, ''[I]nvesting in the potential of women to lift and lead their societies is one of the best investments we can make.'';

Whereas despite some achievements made by individual women leaders, women around the globe are still vastly underrepresented in high level positions and in national and local legislatures and governments and, according to the Inter-Parliamentary Union, account for only 18.7 percent of national parliamentarians;

Whereas although strides have been made in recent decades, women around the world continue to face significant obstacles in all aspects of their lives including discrimination, gender-based violence, and denial of basic human rights;

Whereas women are responsible for 66 percent of the work done in the world, yet earn only 10 percent of the income earned in the world;

Whereas women account for approximately 70 percent of individuals living in poverty world-wide;

Whereas women account for 64 percent of the 774,000,000 adults world-wide who lack basic literacy skills;

Whereas girls account for 57 percent of the 72,000,000 primary school aged children in the world who do not attend school;

Whereas in Sub-Saharan Africa only 17 percent of girls enroll in secondary school;

Whereas women receive less than 10 percent of all available credit in Africa, own less than 2 percent of the land in the world, and account for only 15 percent of the agricultural extension agents in the world, yet produce the majority of the food crops in the world, including 70 percent of the food crops in Africa;

Whereas women in developing countries are disproportionately affected by global climate change;

Whereas according to the Joint United Nations Programme on HIV/AIDS, women account for 50 percent of HIV or AIDS infections worldwide, and nearly 60 percent of HIV infections in Sub-Saharan Africa;

Whereas according the Department of State, 56 percent of all forced labor victims are women and girls;

Whereas according to the United Nations, 1 in 3 women in the world will be beaten, coerced into sex, or otherwise abused in her lifetime;

Whereas according to the International Center for Research on Women, there are more than 60,000,000 child brides in developing countries, some of whom are as young as 7 years old;

Whereas March 8 is recognized each year as International Women's Day, a global day to celebrate the economic, political, and social achievements of women past, present, and future and a day to recognize the obstacles that women still face in the struggle for equal rights and opportunities; and

Whereas, the United Nations theme for International Women's Day 2010 is ''Equal rights, equal opportunities: Progress for all'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of ''International Women's Day'';

(2) recognizes that the economic growth and empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy;

(3) recognizes and honors the women in the United States and around the world who have worked throughout history to strive to ensure that women are guaranteed equality and basic human rights;

(4) reaffirms the commitment to end gender-based discrimination in all forms, to end violence against women and girls worldwide; and

(5) encourages the people of the United States to observe International Women's Day with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3358. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 3359. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3360. Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3361. Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3362. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3363. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3364. Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3365. Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. DODD, Mrs. SHAHEEN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3366. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3367. Mr. THUNE (for himself, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3345 submitted by Ms. LANDRIEU and intended to be proposed to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3368. Mr. FEINGOLD (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3369. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3370. Mr. ROCKEFELLER (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3371. Mr. ROCKEFELLER (for himself, Mr. SPECTER, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3372. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3373. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3374. Mr. BAYH (for himself, Mrs. LINCOLN, Mr. WICKER, Mr. VITTER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 3338 submitted by Mr. THUNE to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3375. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3376. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3377. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3378. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3379. Mr. NELSON, of Florida (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3380. Mr. NELSON, of Florida (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3381. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3382. Ms. STABENOW (for herself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. BROWN of Ohio, Mr. ENZI, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3383. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3384. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3385. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3386. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3387. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3388. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3389. Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3390. Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3391. Mr. BROWN, of Massachusetts proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 3392. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3393. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3394. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3395. Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. COLLINS, Ms. STABENOW, Mr. CRAPO, Mr. CORNYN, Ms. CANTWELL, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. ROBERTS, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3396. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3397. Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3398. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3399. Mr. NELSON, of Florida (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3400. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3401. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3358. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (http://www.senate.gov/) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SA 3359. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—PENSION BENEFIT GUARANTY CORPORATION GOVERNANCE IMPROVEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Pension Benefit Guaranty Corporation Governance Improvement Act of 2010''.

SEC. 802. BOARD OF DIRECTORS OF THE PENSION BENEFIT GUARANTY CORPORATION.

(a) IN GENERAL.—Section 4002(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(d)) is amended to read as follows:

''(d)(1) The board of directors of the corporation consists of—

''(A) the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce;

''(B) a member that is a representative of employers offering defined benefit plans;

''(C) a member that is a representative of organized labor and employees; and

''(D) 2 other members.

''(2)(A) The members of the board of directors described under subparagraphs (B) through (D) of paragraph (1)—

''(i) shall be appointed by the President by and with the advice and consent of the Senate—

''(I) at the beginning of the second year of the President's term of office, with respect to such members described under subparagraphs (B) and (C) of paragraph (1); and

''(II) at the beginning of the fourth year of the President's term of office, with respect to such members described under subparagraph (D) of paragraph (1); and

''(ii) shall serve for a term of 4 years.

''(B) Not more than 2 members of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall be affiliated with the same political party.

''(C) Each member of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall not have a direct financial interest in the decisions of the corporation.

''(3) Each member of the board of directors described under subparagraph (A) of paragraph (1) shall designate in writing an official, not below the level of Assistant Secretary, to serve as the voting representative of such member on the board. Such designation shall be effective until revoked or until a date or event specified therein. Any such representative may refer for board action any matter under consideration by the designating board member.

''(4) The members of the board of directors described under—

''(A) subparagraph (A) of paragraph (1), shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board; and

''(B) subparagraphs (B) through (D) of paragraph (1) shall, for each day (including traveltime) during which they are attending meetings or conferences of the board or otherwise engaged in the business of the board, be compensated at a rate fixed by the corporation which is not in excess of the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

''(5)(A) The Secretary of Labor is the chairman of the board of directors.

''(B) The President shall designate 1 of the members appointed under paragraph (2) as the vice-chairman of the board of directors.

''(6) The Inspector General of the corporation shall report to the board of directors, and not less than twice a year, shall attend a meeting of the board of directors to provide a report on the activities and findings of the Inspector General, including with respect to monitoring and review of the operations of the corporation.

''(7) The General Counsel of the corporation shall—

''(A) serve as the secretary to the board of directors, and shall advise such board as needed; and

''(B) have overall responsibility for all legal matters affecting the corporation and provide the corporation with legal advice and opinions on all matters of law affecting the corporation, except that the authority of the General Counsel shall not extend to the Office of Inspector General and the independent legal counsel of such Office.

''(8) Notwithstanding any other provision of this Act, the Office of Inspector General and the legal counsel of such Office is independent of the management of the corporation and the General Counsel of the corporation.''.

(b) NUMBER OF MEETINGS; PUBLIC AVAILABILITY.—Section 4002(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(e)) is amended—

(1) by striking ''The board'' and inserting ''(1) The board'';

(2) by striking ''the corporation.'' and inserting ''the corporation, but in no case less than 4 times a year with a quorum of not less than 5 members. Not less than 1 meeting of the board of directors during each year shall be a joint meeting with the advisory committee under subsection (h).''; and

(3) by adding at the end the following:

''(2) The chairman of the board of directors shall make available to the public the minutes from each meeting of the board, unless the chairman designates a meeting or portion of a meeting as closed to the public, based on the confidentiality of the matters to be discussed during such meeting.''.

(c) ADVISORY COMMITTEE.—

(1) ISSUES CONSIDERED BY THE COMMITTEE.—Section 4002(h)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(1)) is amended—

(A) by striking '', and (D)'' and inserting '', (D)''; and

(B) by striking ''time to time.'' and inserting ''time to time, and (E) other issues as determined appropriate by the advisory committee.''.

(2) JOINT MEETING.—Section 4002(h)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(3)) is amended by adding at the end the following: ''Not less than 1 meeting of the advisory committee during each year shall be a joint meeting with the board of directors under subsection (e).''.

SEC. 803. AVOIDING CONFLICTS OF INTEREST.

Section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following:

''(j) The Director of the corporation, and each member of the board of directors described under subparagraphs (B) through (D) of subsection (d)(1), shall agree in writing to recuse him or herself from participation in activities which present a potential conflict of interest or appearance of such conflict, including by not serving on a technical evaluation panel.''.

SEC. 804. SENSE OF CONGRESS.

(a) FORMATION OF COMMITTEES.—It is the sense of Congress that the board of directors of the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should form committees, including an audit committee and an investment committee, to enhance the overall effectiveness of the board of directors.

(b) RISK MANAGEMENT POSITION.—It is the sense of Congress that the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should establish a risk management position that evaluates and mitigates the risk that the corporation might experience. The individual in such position should coordinate the risk management efforts of the corporation, explain risks and controls to senior management and the board of directors of the corporation, and make recommendations.

SA 3360. Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike all after the first word and insert the following:

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

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

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

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

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

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

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

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

SEC. 102. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

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

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

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

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

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

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

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

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

SEC. 104. CREDIT FOR REFINED COAL FACILITIES.

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

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

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

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

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

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

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

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

SEC. 107. NEW ENERGY EFFICIENT HOME CREDIT.

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

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

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

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

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

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

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

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

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

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

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

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II—LOW-INCOME HOUSING CREDITS

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

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

''(n) ELECTION FOR REFUNDABLE CREDITS.—

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

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

''(A) the sum of—

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

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

''(B) 10.

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

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

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

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

Subtitle C—Business Tax Relief

SEC. 131. RESEARCH CREDIT.

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

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

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

SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.

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

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

SEC. 133. NEW MARKETS TAX CREDIT.

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

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

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

SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.

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

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

SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

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

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

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

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

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

SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 150. TIMBER REIT MODERNIZATION.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

(b) EFFECTIVE DATE.—

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

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

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

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

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

SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.

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

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

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

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

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

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

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

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

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

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

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

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

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

(2) LIMITATION ON PERIOD OF GAINS.—

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

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

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

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

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

(e) EFFECTIVE DATES.—

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

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

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

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

SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.

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

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

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

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

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

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

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

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

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

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

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

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

(f) EFFECTIVE DATES.—

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

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

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

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

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

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

SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

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

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

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

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

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

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

SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

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

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

(c) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.

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

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

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

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

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

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

SEC. 182. TAX-EXEMPT BOND FINANCING.

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

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

Subpart B—GO Zone

SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.

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

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

SEC. 184. INCREASE IN REHABILITATION CREDIT.

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

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

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

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

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

Subpart C—Midwestern Disaster Areas

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

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

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

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

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

SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

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

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

TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

Subtitle A—Unemployment Insurance

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

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

(A) by striking ''February 28, 2010'' each place it appears and inserting ''December 31, 2010'';

(B) in the heading for subsection (b)(2), by striking ''FEBRUARY 28, 2010'' and inserting ''DECEMBER 31, 2010''; and

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

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

(A) in paragraph (1)(B), by striking ''February 28, 2010'' and inserting ''December 31, 2010'';

(B) in the heading for paragraph (2), by striking ''FEBRUARY 28, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in paragraph (3), by striking ''August 31, 2010'' and inserting ''June 30, 2011''.

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

(A) by striking ''February 28, 2010'' each place it appears and inserting ''January 1, 2011''; and

(B) in subsection (c), by striking ''July 31, 2010'' and inserting ''June 1, 2011''.

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

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

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

(2) in subparagraph (C), by striking ''1009'' and inserting ''1009(a)(1)''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Department of Defense Appropriations Act, 2010 (Public Law 111–118).

Subtitle B—Health Provisions

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

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''February 28, 2010'' and inserting ''December 31, 2010''.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: ''or consists of a reduction of hours followed by such an involuntary termination of employment during such period'';

(B) in paragraph (16)—

(i) by striking clause (ii) of subparagraph (A), and inserting the following:

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

(ii) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and''; and

(C) by adding at the end the following:

''(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

''(A) NEW ELECTION PERIOD.—

''(i) IN GENERAL.—For purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 shall be treated as a qualifying event.

''(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

''(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

''(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

''(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

''(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.''.

(2) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''of the first month''.

(3) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: ''In addition to civil actions that may be brought to enforce applicable

provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than $110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.''.

(4) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g) of section 35 is amended by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(B) Section 139C is amended by striking ''section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(C) Section 6432 is amended—

(i) in subsection (a), by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009'';

(ii) in subsection (c)(3), by striking ''section 3002(a)(1)(A) of such Act'' in subsection (c)(3) and inserting ''section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009''; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:.

''(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

''(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

''(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.''.

(D) Subsection (a) of section 6720C is amended by striking ''section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

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

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

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

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

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

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

''(C) 2101 TRANSITION PERIOD.—

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

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

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

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

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

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsections (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendments made by paragraphs (2) and (3) of subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

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

(1) in subparagraph (F)—

(A) in clause (i)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.

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

SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.

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

(1) in subparagraph (A)—

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

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

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

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

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

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

SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

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

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

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

SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

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

(1) in subclause (II)—

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

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

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

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

SEC. 219. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

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

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

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

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

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

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

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

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

SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.

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

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

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

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

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

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

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B)

of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note) is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 231. IMPLEMENTATION FUNDING.

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

SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.

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

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

(2) in subsection (c)—

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

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

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

(3) in subsection (g)—

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

(B) in paragraph (2)—

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

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

(C) by adding at the end the following:

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

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

SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.

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

(b) FUNDING.—

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

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

(c) REPORTS.—

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

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

Subtitle C—Other Provisions

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

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

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

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

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

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

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

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

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

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

SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 1005 of Public Law 111-118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''.

SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to excessive rainfall or related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 90 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) INSURANCE REQUIREMENT.—As a condition of receiving assistance under this subsection, eligible producers on a farm that—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (other than for a crop insurance pilot program under that Act) for each crop of economic significance (other than crops intended for grazing), shall obtain such a policy or plan for those crops for the next available crop year, as determined by the Secretary; or

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for each crop of economic significance (other than crops intended for grazing), shall obtain such coverage for those crops for the next available crop year, as determined by the Secretary.

(4) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $150,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall and related conditions affecting the 2009 crops.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties with excessive rainfall and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2008 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State under this subsection may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(3) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)) .

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $15,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Business Loans Program Account'', $354,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''February 28, 2010'' and inserting ''December 31, 2010''.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked

only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

''(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

''(II) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

''(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

''(II) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects

to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

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

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

Subtitle B—Multiemployer Plans

SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE IV—OFFSET PROVISIONS

Subtitle A—Black Liquor

SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

''(II) the ash content of such fuel is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

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

Subtitle B—Homebuyer Credit

SEC. 411. TECHNICAL MODIFICATIONS TO HOMEBUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking ''or'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

''(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).''.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking ''returns for taxable years ending after the date of the enactment of this Act'' and inserting ''returns filed after the date of the enactment of this Act''.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

Subtitle C—Economic Substance

SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

''(E) TRANSACTION.—The term 'transaction' includes a series of transactions.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.''.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsections (h) or (i) of section 6662''; and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

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

(B) by striking ''paragraph (2)'' in paragraph (4)(A), as so redesignated, and inserting ''paragraph (3)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).''.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

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

(B) by striking ''paragraph (2)(C)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)(C)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).''.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

Subtitle D—Additional Provisions

SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended by striking ''$20,740,000,000'' and inserting ''$12,740,000,000''.

TITLE V—SATELLITE TELEVISION EXTENSION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Satellite Television Extension and Localism Act of 2010''.

Subtitle A—Statutory Licenses

SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking ''**superstations and network stations for private home viewing**'' and inserting ''**distant television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

''119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.''.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

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

''(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household's local market and affiliated with that network of—

''(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

''(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;'';

(B) in subparagraph (B)—

(i) by striking ''subsection (a)(14)'' and inserting ''subsection (a)(13),''; and

(ii) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(C) in subparagraph (D), by striking ''(a)(12)'' and inserting ''(a)(11)''.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

''(14) QUALIFYING DATE.—The term 'qualifying date', for purposes of paragraph (10)(A), means—

''(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

''(B) January 1, 2011, for all other multicast streams.''.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).''.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: ''(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—'';

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and'';

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

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

''(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.'';

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting ''(including the filing fee specified in paragraph (1)(C))'' after ''shall receive all fees''; and

(B) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(6) in paragraph (4), as redesignated—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(7) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking ''ANALOG'';

(B) in subparagraph (A)—

(i) by striking ''primary analog transmissions'' and inserting ''primary transmissions''; and

(ii) by striking ''July 1, 2004'' and inserting ''July 1, 2009'';

(C) in subparagraph (B)—

(i) by striking ''January 2, 2005, the Librarian of Congress'' and inserting ''March 1, 2010, the Copyright Royalty Judges''; and

(ii) by striking ''primary analog transmission'' and inserting ''primary transmissions'';

(D) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking ''(i) Voluntary agreements'' and inserting the following:

''(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements''; and

(II) by striking ''that a parties'' and inserting ''that are parties''; and

(ii) in clause (ii)—

(I) by striking ''(ii)(I) Within'' and inserting the following:

''(ii) PROCEDURE FOR ADOPTION OF FEES.—

''(I) PUBLICATION OF NOTICE.—Within'';

(II) in subclause (I), by striking ''an arbitration proceeding pursuant to subparagraph (E)'' and inserting ''a proceeding under subparagraph (F)'';

(III) in subclause (II), by striking ''(II) Upon receiving a request under subclause (I), the Librarian of Congress'' and inserting the following:

''(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges''; and

(IV) in subclause (III)—

(aa) by striking ''(III) The Librarian'' and inserting the following:

''(III) ADOPTION OF FEES.—The Copyright Royalty Judges'';

(bb) by striking ''an arbitration proceeding'' and inserting ''the proceeding under subparagraph (F)''; and

(cc) by striking ''the arbitration proceeding'' and inserting ''that proceeding'';

(F) in subparagraph (E)—

(i) by striking ''Copyright Office'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking ''February 28, 2010'' and inserting ''December 31, 2014''; and

(G) in subparagraph (F)—

(i) in the heading, by striking ''COMPULSORY ARBITRATION'' and inserting '' COPYRIGHT ROYALTY JUDGES PROCEEDING'';

(ii) in clause (i)—

(I) in the heading, by striking ''PROCEEDINGS'' and inserting ''THE PROCEEDING'';

(II) in the matter preceding subclause (I)—

(aa) by striking ''May 1, 2005, the Librarian of Congress'' and inserting ''May 3, 2010, the Copyright Royalty Judges'';

(bb) by striking ''arbitration proceedings'' and inserting ''a proceeding'';

(cc) by striking ''fee to be paid'' and inserting ''fees to be paid'';

(dd) by striking ''primary analog transmission'' and inserting ''the primary transmissions''; and

(ee) by striking ''distributors'' and inserting ''distributors—'';

(III) in subclause (II)—

(aa) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(bb) by striking ''arbitration''; and

(IV) by amending the last sentence to read as follows: ''Such proceeding shall be conducted under chapter 8.'';

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

''(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—'';

(iv) by amending clause (iii) to read as follows:

''(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.''; and

(v) in clause (iv)—

(I) in the heading, by striking ''FEE'' and inserting ''FEES''; and

(II) by striking ''fee referred to in (iii)'' and inserting ''fees referred to in clause (iii)''.

(2) Paragraph (2) is amended to read as follows:

''(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.''.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

''(8) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

''(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j).''.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

''(14) MULTICAST STREAM.—The term 'multicast stream' means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.''.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

''(15) PRIMARY STREAM.—The term 'primary stream' means—

''(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

''(B) if there is no stream described in subparagraph (A), then either—

''(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

''(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.''.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking ''which'' each place it appears and inserting ''that''.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking ''superstation'' each place it appears in a heading and each place it appears in text and inserting ''non-network station''; and

(2) by striking ''superstations'' each place it appears in a heading and each place it appears in text and inserting ''non-network stations''.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''(5), (6), and (8)'' and inserting ''(4), (5), and (7)'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)'' and inserting ''subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)'';

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

''(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

''(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.''; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking ''under paragraph (3) or''; and

(II) by striking ''paragraph (12)'' and inserting ''paragraph (11)''; and

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

''(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).''.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking ''analog'' each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

''(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the 'distant signal'), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(C) FUTURE APPLICABILITY.—

''(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the 'distant signal') on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.'';

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking ''(C) or (D)'' and inserting ''(B) or (C)''; and

(E) in subparagraph (F) (as redesignated), by inserting ''9-digit'' before ''zip code''.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking ''$5'' and inserting ''$250'';

(B) in subparagraph (B)——

(i) in clause (i), by striking ''$250,000 for each 6-month period'' and inserting ''$2,500,000 for each 3-month period''; and

(ii) in clause (ii), by striking ''$250,000'' and inserting ''$2,500,000''; and

(C) by adding at the end the following flush sentences:

''The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.''.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking ''and 509''.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking ''In this clause'' and inserting ''In this clause,''.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking ''February 28, 2010'' and inserting ''December 31, 2014''.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking ''of the Code of Federal Regulations'' each place it appears and inserting '', Code of Federal Regulations''; and

(2) in subsection (d)(6), by striking ''or the Direct'' and inserting '', or the Direct''.

SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking ''**BY SATELLITE CARRIERS WITHIN LOCAL MARKETS**'' and inserting ''**OF LOCAL TELEVISION PROGRAMMING BY SATELLITE**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

''122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.''.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

''(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

''(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

''(A) the secondary transmission is made by a satellite carrier to the public;

''(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

''(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

''(i) each subscriber receiving the secondary transmission; or

''(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

''(2) SIGNIFICANTLY VIEWED STATIONS.—

''(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

''(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

''(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

''(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

''(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

''(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

''(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

''(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

''(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

''(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

''(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

''(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

''(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

''(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

''(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.''.

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking ''station a list'' and all that follows through the end and inserting the following: ''station—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

''(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).''; and

(2) in paragraph (2), by striking ''network a list'' and all that follows through the end and inserting the following: ''network—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

''(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.''.

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting ''FOR CERTAIN SECONDARY TRANSMISSIONS'' after ''REQUIRED''; and

(2) by striking ''subsection (a)'' and inserting ''paragraphs (1), (2), and (3) of subsection (a)''.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking ''$5'' and inserting ''$250''; and

(B) in paragraph (2), by striking ''$250,000'' each place it appears and inserting ''$2,500,000''.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking ''section 119 or'' each place it appears and inserting the following: ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to''; and

(B) in subsection (g), by striking ''section 119 or'' and inserting the following: ''section 119, paragraph (2)(A), (3), or (4) of subsection (a), or''.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking ''which contracts'' and inserting ''that contracts'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting ''NON-NETWORK STATION;'' after ''NETWORK STATION;''; and

(C) by inserting '' 'non-network station','' after '' 'network station','';

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

''(3) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.'';

(5) by inserting after paragraph (4) (as redesignated) the following:

''(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

''(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.''.

SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: ''**OF BROADCAST PROGRAMMING BY CABLE**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

''111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.''.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking ''; or'' and inserting ''or section 122;''.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''A cable system whose secondary'' and inserting the following: ''STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary''; and

(ii) by striking ''by regulation—'' and inserting ''by regulation the following:'';

(B) in subparagraph (A)—

(i) by striking ''a statement of account'' and inserting ''A statement of account''; and

(ii) by striking ''; and'' and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

''(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

''(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

''(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

''(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

''(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

''(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

''(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

''(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

''(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

''(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

''(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

''(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

''(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are $263,800 or less—

''(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which $263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than $10,400; and

''(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

''(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than $263,800 but less than $527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

''(i) 0.5 percent of any gross receipts up to $263,800, regardless of the number of distant signal equivalents, if any; and

''(ii) 1 percent of any gross receipts in excess of $263,800, but less than $527,600, regardless of the number of distant signal equivalents, if any.

''(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).'';

(2) in paragraph (2), in the first sentence—

(A) by striking ''The Register of Copyrights'' and inserting the following ''HANDLING OF FEES.—The Register of Copyrights''; and

(B) by inserting ''(including the filing fee specified in paragraph (1)(G))'' after ''shall receive all fees'';

(3) in paragraph (3)—

(A) by striking ''The royalty fees'' and inserting the following: ''DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees'';

(B) in subparagraph (A)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking ''; and'' and inserting a period;

(C) in subparagraph (B)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking ''any such'' and inserting ''Any such'';

(4) in paragraph (4), by striking ''The royalty fees'' and inserting the following: ''PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees''; and

(5) by adding at the end the following new paragraphs:

''(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

''(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account

filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

''(A) establish procedures for the designation of a qualified independent auditor—

''(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

''(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

''(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

''(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

''(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

''(iii) provide an opportunity to remedy any disputed facts or conclusions;

''(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

''(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

''(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.''.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

''(1) PRIMARY TRANSMISSION.—A 'primary transmission' is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.'';

(2) in the second undesignated paragraph—

(A) by striking ''A 'secondary transmission''' and inserting the following:

''(2) SECONDARY TRANSMISSION.—A 'secondary transmission'''; and

(B) by striking '''cable system''' and inserting ''cable system'';

(3) in the third undesignated paragraph—

(A) by striking ''A 'cable system'''' and inserting the following:

''(3) CABLE SYSTEM.—A 'cable system''''; and

(B) by striking ''Territory, Trust Territory, or Possession'' and inserting ''territory, trust territory, or possession of the United States'';

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking ''The 'local service area of a primary transmitter', in the case of a television broadcast station, comprises the area in which such station is entitled to insist'' and inserting the following:

''(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The 'local service area of a primary transmitter', in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted'';

(B) by striking ''76.59 of title 47 of the Code of Federal Regulations'' and inserting the following: ''76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations''; and

(C) by striking ''as defined by the rules and regulations of the Federal Communications Commission,'';

(5) by amending the fifth undesignated paragraph to read as follows:

''(5) DISTANT SIGNAL EQUIVALENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a 'distant signal equivalent'—

''(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

''(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

''(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

''(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

''(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

''(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

''(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.'';

(6) by striking the sixth undesignated paragraph and inserting the following:

''(6) NETWORK STATION.—

''(A) TREATMENT OF PRIMARY STREAM.—The term 'network station' shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

''(B) TREATMENT OF MULTICAST STREAMS.—The term 'network station' shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

''(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

''(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.'';

(7) by striking the seventh undesignated paragraph and inserting the following:

''(7) INDEPENDENT STATION.—The term 'independent station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.'';

(8) by striking the eighth undesignated paragraph and inserting the following:

''(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term 'noncommercial educational station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(9) by adding at the end the following:

''(9) PRIMARY STREAM.—A 'primary stream' is—

''(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

''(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

''(10) PRIMARY TRANSMITTER.—A 'primary transmitter' is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

''(11) MULTICAST STREAM.—A 'multicast stream' is a digital stream of programming that is transmitted by a television broadcast station and is not the station's primary stream.

''(12) SIMULCAST.—A 'simulcast' is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

''(13) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking ''2005'' each place it appears and inserting ''2015''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ''clause'' each place it appears and inserting ''paragraph'';

(B) in subsection (c)(1), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (e)(1)(F), by striking ''subclause'' and inserting ''subparagraph''.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking ''nonnetwork'' each place it appears and inserting ''non-network''.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking ''second paragraph of subsection (f)'' and inserting ''subsection (f)(2)''.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking ''and'' at the end;

(B) in paragraph (1)(B), by striking ''and'' at the end;

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

(D) in paragraph (1)(D), by striking ''and'' at the end; and

(E) in paragraph (2)(A), by striking ''and'' at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking '', and each of its variant forms,''; and

(B) in subsection (f), by striking ''and their variant forms''.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking ''three territories'' and inserting ''five entities''.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms ''cable system'', ''secondary transmission'', ''multicast stream'', and ''local service area of a primary transmitter'' have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

''(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

''(2) LIMITED TEMPORARY WAIVER.—

''(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

''(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

''(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

''(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(II) shall result in the termination of the waiver issued under subparagraph (A).

''(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

''(I) the degree of control the carrier had over the circumstances that resulted in the failure;

''(II) the quality of the carrier's efforts to remedy the failure; and

''(III) the severity and duration of any service interruption.

''(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

''(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term 'short market' means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

''(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

''(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

''(i) an affidavit that the entity is providing local-into-local service to all DMAs;

''(ii) a request for a waiver of the injunction; and

''(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

''(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

''(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

''(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

''(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

''(A) CONTINUING OBLIGATIONS.—

''(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

''(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

''(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

''(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements

of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

''(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

''(I) Proper calculation and payment of royalties under the statutory license under this section.

''(II) Provision of service under this license to eligible subscribers only.

''(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

''(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

''(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

''(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

''(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

''(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

''(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

''(5) FAILURE TO PROVIDE SERVICE.—

''(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

''(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(ii) impose a fine of not less than $250,000 and not more than $5,000,000.

''(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for noncompliance that reflect—

''(i) the degree of control the entity had over the circumstances that resulted in the failure;

''(ii) the quality of the entity's efforts to remedy the failure and restore service; and

''(iii) the severity and duration of any service interruption.

''(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than $2,500,000.

''(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

''(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

''(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

''(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.''.

SEC. 506. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

''(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

''(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.''; and

(4) by adding at the end the following new sentence: ''Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.''.

SEC. 507. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking ''February 28, 2010'' and inserting ''December 31, 2014''.

SEC. 508. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

Subtitle B—Communications Provisions

SEC. 521. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 522. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking ''February 28, 2010'' and inserting ''December 31, 2014''; and

(2) in paragraph (3)(C), by striking ''March 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''January 1, 2015''.

SEC. 523. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

''(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

''(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.''.

(b) RULEMAKING REQUIRED.—Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 524. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking ''(3) EFFECTIVE DATE.—No satellite'' and all that follows through ''until January 1, 2002.''; and

(2) by amending subsection (g) to read as follows:

''(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

''(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

''(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).''.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''Such two network stations'' and all that follows through ''more than two network stations.''; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking ''TO ANALOG SIGNALS'';

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking ''ANALOG'';

(II) in clause (i)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''October 1, 2004'' and inserting ''October 1, 2009'';

(III) in the heading for clause (ii), by striking ''ANALOG''; and

(IV) in clause (ii)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''2004'' and inserting ''2009'';

(iii) by amending subparagraph (B) to read as follows:

''(B) RULES FOR OTHER SUBSCRIBERS.—

''(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a 'distant signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

''(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

''(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

''(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

''(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

''(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.'';

(iv) in subparagraph (C)—

(I) by striking ''analog'';

(II) in clause (i), by striking ''the Satellite Home Viewer Extension and Reauthorization Act of 2004; and'' and inserting the following: ''the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or''; and

(III) by amending clause (ii) to read as follows:

''(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.'';

(v) in subparagraph (D)—

(I) in the heading, by striking ''DIGITAL'';

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

''(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

''(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

''(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

''(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.'';

(V) in clause (ii)—

(aa) by striking ''DIGITAL'' in the heading;

(bb) by striking ''digital'' the first two places such term appears;

(cc) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(dd) by striking '', whether or not such subscriber elects to subscribe to local digital signals'';

(VI) by inserting after clause (ii) the following new clause:

''(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.''; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking ''distant analog signal or'' and all that follows through ''(B), or (D))'' and inserting ''distant signal'';

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

''(A) PREDICTIVE MODEL.—Within 180 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98–201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

''(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06–94 within 180 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.'';

(B) by amending paragraph (4)(A) to read as follows:

''(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.'';

(C) in paragraph (4)(B), by striking ''the signal intensity'' and all that follows through ''United States Code'' and inserting ''such requisite signal intensity standard''; and

(D) in paragraph (4)(E), by striking ''Grade B intensity''.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms ''local market'', ''low power television station'', ''satellite carrier'', ''subscriber'', and ''television broadcast station'' have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms ''network station'' and ''television network'' have the meanings given such terms in section 339(d) of such Act.

SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

''SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

''(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

''(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

''(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

''(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

''(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

''(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

''(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

''(2) For each designated market area not listed in paragraph (1):

''(A) Identification of each such designated market area and the location of its local receive facility.

''(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

''(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

''(c) CERTIFICATION ISSUANCE.—

''(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

''(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

''(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(e) DEFINITIONS.—For the purposes of this section:

''(1) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

''(2) GOOD QUALITY SATELLITE SIGNAL.—

''(A) IN GENERAL.—The term ''good quality satellite signal'' means—

''(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

''(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

''(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

''(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

''(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

''(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

''(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.''.

SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

''(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

''(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

''(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

''(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

''(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.''.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

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

''(2) ELIGIBLE SATELLITE CARRIER.—The term 'eligible satellite carrier' means any satellite carrier that is not a party to a carriage contract that—

''(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

''(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.'';

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

''(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any full-power television broadcast station that—

''(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

''(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.''.

SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms ''program related'' and ''primary video'' under the Communications Act of 1934; or

(2) the meaning of the term ''multicast'' in any regulations issued by the Federal Communications Commission.

SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting ''**STATE PUBLIC AFFAIRS,**'' after ''**EDUCATIONAL,**'' in the heading;

(2) by striking paragraph (1) and inserting the following:

''(1) CHANNEL CAPACITY REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

''(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.'';

(3) in paragraph (5), by striking ''For purposes of the subsection—'' and inserting ''For purposes of this subsection:''; and

(4) by adding at the end of paragraph (5) the following:

''(C) The term 'qualified satellite provider' means any provider of direct broadcast satellite service that—

''(i) provides the retransmission of the State public affairs networks of at least 15 different States;

''(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

''(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

''(D) The term 'State public affairs network' means a non-commercial non-broadcast network or a noncommercial educational television station—

''(i) whose programming consists of information about State government deliberations and public policy events; and

''(ii) that is operated by—

''(I) a State government or subdivision thereof;

''(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

''(III) a cable system.''.

Subtitle C—Reports and Savings Provision

SEC. 531. DEFINITION.

In this subtitle, the term ''appropriate Congressional committees'' means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms ''local market'' and ''satellite carrier'' have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term ''television broadcast station'' has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) IN GENERAL.—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the

Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and all references to enactment of this Act shall be deemed to refer to such date unless otherwise specified. The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010 and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

Subtitle D—Severability

SEC. 541. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE VI—OTHER PROVISIONS

SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''February 28, 2010'' and inserting ''September 30, 2010''; and

(2) in subparagraph (B), by striking ''March 1, 2010'' and inserting ''October 1, 2010''.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

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

(b) EMERGENCY DESIGNATION.—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

TITLE VIII—OFFSET

SEC. 801. RESCISSION.

(a) UNOBLIGATED AMOUNTS.—Any amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of such division A), are hereby rescinded.

(b) DEOBLIGATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall deobligate a total of not less than $20,000,000,000 of the amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) (other than under title X of such division A)—

(A) that are not expended as of October 1, 2012; or

(B) relating to which the Director determines, on or after October 1, 2012, that the amounts are not being expended for the purpose for which the amounts were appropriated or made available.

(2) RESCISSION.—Any amounts deobligated under paragraph (1) are hereby rescinded.

SA 3361. Mr. BUNNING proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Strike all after the first word and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(n) ELECTION FOR REFUNDABLE CREDITS.—

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

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

''(A) the sum of—

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

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

''(B) 10.

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

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

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

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

Subtitle C—Business Tax Relief

SEC. 131. RESEARCH CREDIT.

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

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

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

SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.

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

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

SEC. 133. NEW MARKETS TAX CREDIT.

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

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

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

SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.

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

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

SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

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

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

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

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

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

SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 150. TIMBER REIT MODERNIZATION.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

(b) EFFECTIVE DATE.—

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

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

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

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

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

SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.

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

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

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

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

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

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

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

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

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

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

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

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

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

(2) LIMITATION ON PERIOD OF GAINS.—

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

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

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

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

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

(e) EFFECTIVE DATES.—

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

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

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

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

SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.

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

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

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

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

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

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

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

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

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

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

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

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

(f) EFFECTIVE DATES.—

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

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

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

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

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

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

SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

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

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

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

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

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

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

SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

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

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

(c) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.

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

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

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

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

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

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

SEC. 182. TAX-EXEMPT BOND FINANCING.

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

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

Subpart B—GO Zone

SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.

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

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

SEC. 184. INCREASE IN REHABILITATION CREDIT.

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

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

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

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

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

Subpart C—Midwestern Disaster Areas

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

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

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

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

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

SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

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

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

TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

Subtitle A—Unemployment Insurance

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

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

(A) by striking ''February 28, 2010'' each place it appears and inserting ''December 31, 2010'';

(B) in the heading for subsection (b)(2), by striking ''FEBRUARY 28, 2010'' and inserting ''DECEMBER 31, 2010''; and

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

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

(A) in paragraph (1)(B), by striking ''February 28, 2010'' and inserting ''December 31, 2010'';

(B) in the heading for paragraph (2), by striking ''FEBRUARY 28, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in paragraph (3), by striking ''August 31, 2010'' and inserting ''June 30, 2011''.

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

(A) by striking ''February 28, 2010'' each place it appears and inserting ''January 1, 2011''; and

(B) in subsection (c), by striking ''July 31, 2010'' and inserting ''June 1, 2011''.

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

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

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

(2) in subparagraph (C), by striking ''1009'' and inserting ''1009(a)(1)''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Department of Defense Appropriations Act, 2010 (Public Law 111–118).

Subtitle B—Health Provisions

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

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''February 28, 2010'' and inserting ''December 31, 2010''.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: ''or consists of a reduction of hours followed by such an involuntary termination of employment during such period'';

(B) in paragraph (16)—

(i) by striking clause (ii) of subparagraph (A), and inserting the following:

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

(ii) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and''; and

(C) by adding at the end the following:

''(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

''(A) NEW ELECTION PERIOD.—

''(i) IN GENERAL.—For purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 shall be treated as a qualifying event.

''(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

''(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

''(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

''(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

''(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.''.

(2) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''of the first month''.

(3) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: ''In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than $110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.''.

(4) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g) of section 35 is amended by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(B) Section 139C is amended by striking ''section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(C) Section 6432 is amended—

(i) in subsection (a), by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009'';

(ii) in subsection (c)(3), by striking ''section 3002(a)(1)(A) of such Act'' in subsection (c)(3) and inserting ''section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009''; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:.

''(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

''(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

''(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.''.

(D) Subsection (a) of section 6720C is amended by striking ''section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

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

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

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

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

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

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

''(C) 2101 TRANSITION PERIOD.—

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

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

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

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

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

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsections (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act; and

(2) the amendments made by paragraphs (2) and (3) of subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

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

(1) in subparagraph (F)—

(A) in clause (i)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by adding at the end the following new sentences: ''Notwithstanding the preceding sentences, any alternative quality standards

and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.''.

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

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

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

SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.

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

SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.

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

(1) in subparagraph (A)—

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

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

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

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

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

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

SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

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

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

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

SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

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

(1) in subclause (II)—

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

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

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

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

SEC. 219. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

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

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

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

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

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

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

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

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

SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.

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

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

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services' memorandum with the subject ''2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans'') to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such

waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w–27(i)(2)) and that had enrollment as of January 1, 2010.

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

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

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

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note) is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

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

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

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

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

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

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

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

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

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

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $5,000,000; and

''(ii) for fiscal year 2010, of $2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

SEC. 230. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking ''fiscal year 2009'' and inserting ''each of fiscal years 2009 through 2011''.

SEC. 231. IMPLEMENTATION FUNDING.

For purposes of carrying out the provisions of, and amendments made by, this title that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking ''July 1, 2010'' and inserting ''January 1, 2011'';

(B) in paragraph (3)(B)(i), by striking ''July 1, 2010'' each place it appears and inserting ''January 1, 2011''; and

(C) in paragraph (4)(C)(ii), by striking ''the 3-consecutive-month period beginning with January 2010'' and inserting ''any 3-consecutive-month period that begins after December 2009 and ends before January 2011'';

(3) in subsection (g)—

(A) in paragraph (1), by striking ''September 30, 2011'' and inserting ''March 31, 2012'';

(B) in paragraph (2)—

(i) by inserting ''of such Act'' after ''1923''; and

(ii) by adding at the end the following new sentence: ''Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State Medicaid plan or to the non-Federal share of payments under section 1923 of the Social Security Act shall not be considered to be required contributions for purposes of this section.''; and

(C) by adding at the end the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.''; and

(4) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.

(a) IN GENERAL.—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended by inserting ''(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)'' after ''December 31, 2009''.

(b) FUNDING.—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting ''and for fiscal year 2010, $1,600,000,'' after ''$6,000,000,''.

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking ''2010'' and inserting ''2014 or until expended''.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking ''December 1, 2008'' and inserting ''18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking ''May 1, 2010'' and inserting ''42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

Subtitle C—Other Provisions

SEC. 241. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended—

(1) by striking ''before March 1, 2010''; and

(2) by inserting ''for 2011'' after ''until updated poverty guidelines''.

SEC. 242. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), as amended by section 1005 of Public Law 111-118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''.

SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to excessive rainfall or related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 90 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) INSURANCE REQUIREMENT.—As a condition of receiving assistance under this subsection, eligible producers on a farm that—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (other than for a crop insurance pilot program under that Act) for each crop of economic significance (other than crops intended for grazing), shall obtain such a policy or plan for those crops for the next available crop year, as determined by the Secretary; or

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for each crop of economic significance (other than crops intended for grazing), shall obtain such coverage for those crops for the next available crop year, as determined by the Secretary.

(4) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $150,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall and related conditions affecting the 2009 crops.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties with excessive rainfall and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2008 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State under this subsection may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109-234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(3) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)) .

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $15,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Business Loans Program Account'', $354,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''February 28, 2010'' and inserting ''December 31, 2010''.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

''(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

''(II) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) LIMITATION TO AGGREGATE REDUCED REQUIRED CONTRIBUTIONS.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause(ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year (without regard to whether such succeeding plan year is in the restriction period).

''(III) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 4, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting on or after February 4, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on February 4, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of—

''(I) the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate fair market value of the stock of the plan sponsor redeemed during the plan year, over

''(II) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 4, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 4-year period beginning with the election year, and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 7-year period beginning with the election year.

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

Subtitle B—Multiemployer Plans

SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both

of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of its experience loss attributable to the net investment losses (if any) incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of such 2 plan years the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year ending after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE IV—OFFSET PROVISIONS

Subtitle A—Black Liquor

SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

''(II) the ash content of such fuel is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

Subtitle B—Homebuyer Credit

SEC. 411. TECHNICAL MODIFICATIONS TO HOMEBUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking ''or'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for

such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

''(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).''.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking ''returns for taxable years ending after the date of the enactment of this Act'' and inserting ''returns filed after the date of the enactment of this Act''.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

Subtitle C—Economic Substance

SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

''(E) TRANSACTION.—The term 'transaction' includes a series of transactions.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.''.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsections (h) or (i) of section 6662''; and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)'' in paragraph (4)(A), as so redesignated, and inserting ''paragraph (3)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).''.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)(C)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)(C)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).''.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

Subtitle D—Additional Provisions

SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended by striking ''$20,740,000,000'' and inserting ''$12,740,000,000''.

TITLE V—SATELLITE TELEVISION EXTENSION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Satellite Television Extension and Localism Act of 2010''.

Subtitle A—Statutory Licenses

SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 119 is amended by striking ''**superstations and network stations for private home viewing**'' and inserting ''**distant television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

''119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.''.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household's local market and affiliated with that network of—

''(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

''(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;'';

(B) in subparagraph (B)—

(i) by striking ''subsection (a)(14)'' and inserting ''subsection (a)(13),''; and

(ii) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(C) in subparagraph (D), by striking ''(a)(12)'' and inserting ''(a)(11)''.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

''(14) QUALIFYING DATE.—The term 'qualifying date', for purposes of paragraph (10)(A), means—

''(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

''(B) January 1, 2011, for all other multicast streams.''.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).''.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: ''(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—'';

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and'';

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

''(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.'';

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting ''(including the filing fee specified in paragraph (1)(C))'' after ''shall receive all fees''; and

(B) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(6) in paragraph (4), as redesignated—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(7) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking ''ANALOG'';

(B) in subparagraph (A)—

(i) by striking ''primary analog transmissions'' and inserting ''primary transmissions''; and

(ii) by striking ''July 1, 2004'' and inserting ''July 1, 2009'';

(C) in subparagraph (B)—

(i) by striking ''January 2, 2005, the Librarian of Congress'' and inserting ''March 1, 2010, the Copyright Royalty Judges''; and

(ii) by striking ''primary analog transmission'' and inserting ''primary transmissions'';

(D) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking ''(i) Voluntary agreements'' and inserting the following:

''(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements''; and

(II) by striking ''that a parties'' and inserting ''that are parties''; and

(ii) in clause (ii)—

(I) by striking ''(ii)(I) Within'' and inserting the following:

''(ii) PROCEDURE FOR ADOPTION OF FEES.—

''(I) PUBLICATION OF NOTICE.—Within'';

(II) in subclause (I), by striking ''an arbitration proceeding pursuant to subparagraph (E)'' and inserting ''a proceeding under subparagraph (F)'';

(III) in subclause (II), by striking ''(II) Upon receiving a request under subclause (I), the Librarian of Congress'' and inserting the following:

''(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges''; and

(IV) in subclause (III)—

(aa) by striking ''(III) The Librarian'' and inserting the following:

''(III) ADOPTION OF FEES.—The Copyright Royalty Judges'';

(bb) by striking ''an arbitration proceeding'' and inserting ''the proceeding under subparagraph (F)''; and

(cc) by striking ''the arbitration proceeding'' and inserting ''that proceeding'';

(F) in subparagraph (E)—

(i) by striking ''Copyright Office'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking ''February 28, 2010'' and inserting ''December 31, 2014''; and

(G) in subparagraph (F)—

(i) in the heading, by striking ''COMPULSORY ARBITRATION'' and inserting '' COPYRIGHT ROYALTY JUDGES PROCEEDING'';

(ii) in clause (i)—

(I) in the heading, by striking ''PROCEEDINGS'' and inserting ''THE PROCEEDING'';

(II) in the matter preceding subclause (I)—

(aa) by striking ''May 1, 2005, the Librarian of Congress'' and inserting ''May 3, 2010, the Copyright Royalty Judges'';

(bb) by striking ''arbitration proceedings'' and inserting ''a proceeding'';

(cc) by striking ''fee to be paid'' and inserting ''fees to be paid'';

(dd) by striking ''primary analog transmission'' and inserting ''the primary transmissions''; and

(ee) by striking ''distributors'' and inserting ''distributors—'';

(III) in subclause (II)—

(aa) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(bb) by striking ''arbitration''; and

(IV) by amending the last sentence to read as follows: ''Such proceeding shall be conducted under chapter 8.'';

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

''(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—'';

(iv) by amending clause (iii) to read as follows:

''(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.''; and

(v) in clause (iv)—

(I) in the heading, by striking ''FEE'' and inserting ''FEES''; and

(II) by striking ''fee referred to in (iii)'' and inserting ''fees referred to in clause (iii)''.

(2) Paragraph (2) is amended to read as follows:

''(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.''.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

''(8) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

''(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j).''.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

''(14) MULTICAST STREAM.—The term 'multicast stream' means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.''.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

''(15) PRIMARY STREAM.—The term 'primary stream' means—

''(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

''(B) if there is no stream described in subparagraph (A), then either—

''(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

''(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.''.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking ''which'' each place it appears and inserting ''that''.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking ''superstation'' each place it appears in a heading and each place it appears in text and inserting ''non-network station''; and

(2) by striking ''superstations'' each place it appears in a heading and each place it appears in text and inserting ''non-network stations''.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''(5), (6), and (8)'' and inserting ''(4), (5), and (7)'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)'' and inserting ''subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)'';

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

''(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

''(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.''; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking ''under paragraph (3) or''; and

(II) by striking ''paragraph (12)'' and inserting ''paragraph (11)''; and

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

''(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).''.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking ''analog'' each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

''(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the 'distant signal'), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(C) FUTURE APPLICABILITY.—

''(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the 'distant signal') on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.'';

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking ''(C) or (D)'' and inserting ''(B) or (C)''; and

(E) in subparagraph (F) (as redesignated), by inserting ''9-digit'' before ''zip code''.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking ''$5'' and inserting ''$250'';

(B) in subparagraph (B)——

(i) in clause (i), by striking ''$250,000 for each 6-month period'' and inserting ''$2,500,000 for each 3-month period''; and

(ii) in clause (ii), by striking ''$250,000'' and inserting ''$2,500,000''; and

(C) by adding at the end the following flush sentences:

''The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.''.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking ''and 509''.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking ''In this clause'' and inserting ''In this clause,''.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking ''February 28, 2010'' and inserting ''December 31, 2014''.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking ''of the Code of Federal Regulations'' each place it appears and inserting '', Code of Federal Regulations''; and

(2) in subsection (d)(6), by striking ''or the Direct'' and inserting '', or the Direct''.

SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 122 is amended by striking ''**by satellite carriers within local markets**'' and inserting ''**of local television programming by satellite**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

''122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.''.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

''(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

''(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

''(A) the secondary transmission is made by a satellite carrier to the public;

''(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

''(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

''(i) each subscriber receiving the secondary transmission; or

''(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

''(2) SIGNIFICANTLY VIEWED STATIONS.—

''(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

''(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

''(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

''(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

''(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

''(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

''(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

''(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

''(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

''(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

''(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

''(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

''(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

''(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

''(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.''.

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking ''station a list'' and all that follows through the end and inserting the following: ''station—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

''(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).''; and

(2) in paragraph (2), by striking ''network a list'' and all that follows through the end and inserting the following: ''network—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

''(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has

been added or dropped since the last submission under this subsection.''.

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting ''FOR CERTAIN SECONDARY TRANSMISSIONS'' after ''REQUIRED''; and

(2) by striking ''subsection (a)'' and inserting ''paragraphs (1), (2), and (3) of subsection (a)''.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking ''$5'' and inserting ''$250''; and

(B) in paragraph (2), by striking ''$250,000'' each place it appears and inserting ''$2,500,000''.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking ''section 119 or'' each place it appears and inserting the following: ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to''; and

(B) in subsection (g), by striking ''section 119 or'' and inserting the following: ''section 119, paragraph (2)(A), (3), or (4) of subsection (a), or''.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking ''which contracts'' and inserting ''that contracts'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting ''NON-NETWORK STATION;'' after ''NETWORK STATION;''; and

(C) by inserting '' 'non-network station','' after '' 'network station','';

(4) by inserting after paragraph (2) the following:

''(3) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.'';

(5) by inserting after paragraph (4) (as redesignated) the following:

''(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

''(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.''.

SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: ''**of broadcast programming by cable**''.

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

''111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.''.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking ''; or'' and inserting ''or section 122;''.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''A cable system whose secondary'' and inserting the following: ''STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary''; and

(ii) by striking ''by regulation—'' and inserting ''by regulation the following:'';

(B) in subparagraph (A)—

(i) by striking ''a statement of account'' and inserting ''A statement of account''; and

(ii) by striking ''; and'' and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

''(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

''(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

''(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

''(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

''(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

''(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

''(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

''(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

''(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

''(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

''(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

''(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

''(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are $263,800 or less—

''(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which $263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than $10,400; and

''(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

''(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than $263,800 but less than $527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

''(i) 0.5 percent of any gross receipts up to $263,800, regardless of the number of distant signal equivalents, if any; and

''(ii) 1 percent of any gross receipts in excess of $263,800, but less than $527,600, regardless of the number of distant signal equivalents, if any.

''(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).'';

(2) in paragraph (2), in the first sentence—

(A) by striking ''The Register of Copyrights'' and inserting the following ''HANDLING OF FEES.—The Register of Copyrights''; and

(B) by inserting ''(including the filing fee specified in paragraph (1)(G))'' after ''shall receive all fees'';

(3) in paragraph (3)—

(A) by striking ''The royalty fees'' and inserting the following: ''DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees'';

(B) in subparagraph (A)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking ''; and'' and inserting a period;

(C) in subparagraph (B)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking ''any such'' and inserting ''Any such'';

(4) in paragraph (4), by striking ''The royalty fees'' and inserting the following: ''PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees''; and

(5) by adding at the end the following new paragraphs:

''(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty

Judges, shall not apply to the secondary transmission of a multicast stream.

''(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

''(A) establish procedures for the designation of a qualified independent auditor—

''(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

''(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

''(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

''(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

''(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

''(iii) provide an opportunity to remedy any disputed facts or conclusions;

''(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

''(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

''(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.''.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

''(1) PRIMARY TRANSMISSION.—A 'primary transmission' is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.'';

(2) in the second undesignated paragraph—

(A) by striking ''A 'secondary transmission' '' and inserting the following:

''(2) SECONDARY TRANSMISSION.—A 'secondary transmission' ''; and

(B) by striking '' 'cable system' '' and inserting ''cable system'';

(3) in the third undesignated paragraph—

(A) by striking ''A 'cable system' '' and inserting the following:

''(3) CABLE SYSTEM.—A 'cable system' ''; and

(B) by striking ''Territory, Trust Territory, or Possession'' and inserting ''territory, trust territory, or possession of the United States'';

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking ''The 'local service area of a primary transmitter', in the case of a television broadcast station, comprises the area in which such station is entitled to insist'' and inserting the following:

''(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The 'local service area of a primary transmitter', in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted'';

(B) by striking ''76.59 of title 47 of the Code of Federal Regulations'' and inserting the following: ''76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations''; and

(C) by striking ''as defined by the rules and regulations of the Federal Communications Commission,'';

(5) by amending the fifth undesignated paragraph to read as follows:

''(5) DISTANT SIGNAL EQUIVALENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a 'distant signal equivalent'—

''(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

''(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

''(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

''(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

''(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

''(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

''(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.'';

(6) by striking the sixth undesignated paragraph and inserting the following:

''(6) NETWORK STATION.—

''(A) TREATMENT OF PRIMARY STREAM.—The term 'network station' shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

''(B) TREATMENT OF MULTICAST STREAMS.—The term 'network station' shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

''(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

''(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.'';

(7) by striking the seventh undesignated paragraph and inserting the following:

''(7) INDEPENDENT STATION.—The term 'independent station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.'';

(8) by striking the eighth undesignated paragraph and inserting the following:

''(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term 'noncommercial educational station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(9) by adding at the end the following:

''(9) PRIMARY STREAM.—A 'primary stream' is—

''(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

''(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

''(10) PRIMARY TRANSMITTER.—A 'primary transmitter' is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

''(11) MULTICAST STREAM.—A 'multicast stream' is a digital stream of programming that is transmitted by a television broadcast station and is not the station's primary stream.

''(12) SIMULCAST.—A 'simulcast' is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

''(13) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking ''2005'' each place it appears and inserting ''2015''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ''clause'' each place it appears and inserting ''paragraph'';

(B) in subsection (c)(1), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (e)(1)(F), by striking ''subclause'' and inserting ''subparagraph''.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking ''nonnetwork'' each place it appears and inserting ''non-network''.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking ''second paragraph of subsection (f)'' and inserting ''subsection (f)(2)''.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking ''and'' at the end;

(B) in paragraph (1)(B), by striking ''and'' at the end;

(C) in paragraph (1)(C), by striking ''and'' at the end;

(D) in paragraph (1)(D), by striking ''and'' at the end; and

(E) in paragraph (2)(A), by striking ''and'' at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking '', and each of its variant forms,''; and

(B) in subsection (f), by striking ''and their variant forms''.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking ''three territories'' and inserting ''five entities''.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms ''cable system'', ''secondary transmission'', ''multicast stream'', and ''local service area of a primary transmitter'' have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

''(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

''(2) LIMITED TEMPORARY WAIVER.—

''(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

''(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

''(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

''(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(II) shall result in the termination of the waiver issued under subparagraph (A).

''(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

''(I) the degree of control the carrier had over the circumstances that resulted in the failure;

''(II) the quality of the carrier's efforts to remedy the failure; and

''(III) the severity and duration of any service interruption.

''(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

''(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term 'short market' means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

''(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

''(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

''(i) an affidavit that the entity is providing local-into-local service to all DMAs;

''(ii) a request for a waiver of the injunction; and

''(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

''(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

''(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

''(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

''(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

''(A) CONTINUING OBLIGATIONS.—

''(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

''(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

''(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

''(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

''(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

''(I) Proper calculation and payment of royalties under the statutory license under this section.

''(II) Provision of service under this license to eligible subscribers only.

''(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

''(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

''(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

''(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

''(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

''(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

''(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

''(5) FAILURE TO PROVIDE SERVICE.—

''(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

''(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(ii) impose a fine of not less than $250,000 and not more than $5,000,000.

''(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for noncompliance that reflect—

''(i) the degree of control the entity had over the circumstances that resulted in the failure;

''(ii) the quality of the entity's efforts to remedy the failure and restore service; and

''(iii) the severity and duration of any service interruption.

''(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than $2,500,000.

''(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

''(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

''(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

''(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.''.

SEC. 506. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

''(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

''(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.''; and

(4) by adding at the end the following new sentence: ''Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.''.

SEC. 507. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111-118 is amended by striking ''February 28, 2010'' and inserting ''December 31, 2014''.

SEC. 508. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

Subtitle B—Communications Provisions

SEC. 521. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 522. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking ''February 28, 2010'' and inserting ''December 31, 2014''; and

(2) in paragraph (3)(C), by striking ''March 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''January 1, 2015''.

SEC. 523. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

''(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

''(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.''.

(b) RULEMAKING REQUIRED.—Within 180 days after the date of the enactment of this

Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 524. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking ''(3) EFFECTIVE DATE.—No satellite'' and all that follows through ''until January 1, 2002.''; and

(2) by amending subsection (g) to read as follows:

''(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

''(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

''(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).''.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''Such two network stations'' and all that follows through ''more than two network stations.''; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking ''TO ANALOG SIGNALS'';

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking ''ANALOG'';

(II) in clause (i)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''October 1, 2004'' and inserting ''October 1, 2009'';

(III) in the heading for clause (ii), by striking ''ANALOG''; and

(IV) in clause (ii)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''2004'' and inserting ''2009'';

(iii) by amending subparagraph (B) to read as follows:

''(B) RULES FOR OTHER SUBSCRIBERS.—

''(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a 'distant signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

''(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

''(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

''(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

''(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

''(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.'';

(iv) in subparagraph (C)—

(I) by striking ''analog'';

(II) in clause (i), by striking ''the Satellite Home Viewer Extension and Reauthorization Act of 2004; and'' and inserting the following: ''the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or''; and

(III) by amending clause (ii) to read as follows:

''(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.'';

(v) in subparagraph (D)—

(I) in the heading, by striking ''DIGITAL'';

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

''(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

''(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

''(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

''(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.'';

(V) in clause (ii)—

(aa) by striking ''DIGITAL'' in the heading;

(bb) by striking ''digital'' the first two places such term appears;

(cc) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(dd) by striking '', whether or not such subscriber elects to subscribe to local digital signals'';

(VI) by inserting after clause (ii) the following new clause:

''(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.''; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking ''distant analog signal or'' and all that follows through ''(B), or (D))'' and inserting ''distant signal'';

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

''(A) PREDICTIVE MODEL.—Within 180 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98–201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

''(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06–94 within 180 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.'';

(B) by amending paragraph (4)(A) to read as follows:

''(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive

a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.'';

(C) in paragraph (4)(B), by striking ''the signal intensity'' and all that follows through ''United States Code'' and inserting ''such requisite signal intensity standard''; and

(D) in paragraph (4)(E), by striking ''Grade B intensity''.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms ''local market'', ''low power television station'', ''satellite carrier'', ''subscriber'', and ''television broadcast station'' have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms ''network station'' and ''television network'' have the meanings given such terms in section 339(d) of such Act.

SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

''SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

''(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

''(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

''(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

''(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

''(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

''(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

''(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

''(2) For each designated market area not listed in paragraph (1):

''(A) Identification of each such designated market area and the location of its local receive facility.

''(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

''(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

''(c) CERTIFICATION ISSUANCE.—

''(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

''(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

''(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(e) DEFINITIONS.—For the purposes of this section:

''(1) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

''(2) GOOD QUALITY SATELLITE SIGNAL.—

''(A) IN GENERAL.—The term ''good quality satellite signal'' means—

''(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

''(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

''(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

''(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

''(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

''(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

''(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.''.

SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

''(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

''(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

''(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

''(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

''(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite

Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.''.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

''(2) ELIGIBLE SATELLITE CARRIER.—The term 'eligible satellite carrier' means any satellite carrier that is not a party to a carriage contract that—

''(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

''(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.'';

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

''(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any full-power television broadcast station that—

''(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

''(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.''.

SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms ''program related'' and ''primary video'' under the Communications Act of 1934; or

(2) the meaning of the term ''multicast'' in any regulations issued by the Federal Communications Commission.

SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting ''**STATE PUBLIC AFFAIRS,**'' after ''**EDUCATIONAL,**'' in the heading;

(2) by striking paragraph (1) and inserting the following:

''(1) CHANNEL CAPACITY REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

''(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.'';

(3) in paragraph (5), by striking ''For purposes of the subsection—'' and inserting ''For purposes of this subsection:''; and

(4) by adding at the end of paragraph (5) the following:

''(C) The term 'qualified satellite provider' means any provider of direct broadcast satellite service that—

''(i) provides the retransmission of the State public affairs networks of at least 15 different States;

''(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

''(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

''(D) The term 'State public affairs network' means a non-commercial non-broadcast network or a noncommercial educational television station—

''(i) whose programming consists of information about State government deliberations and public policy events; and

''(ii) that is operated by—

''(I) a State government or subdivision thereof;

''(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

''(III) a cable system.''.

Subtitle C—Reports and Savings Provision

SEC. 531. DEFINITION.

In this subtitle, the term ''appropriate Congressional committees'' means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph

(1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms ''local market'' and ''satellite carrier'' have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term ''television broadcast station'' has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) IN GENERAL.—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and all references to enactment of this Act shall be deemed to refer to such date unless otherwise specified. The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010 and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

Subtitle D—Severability

SEC. 541. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE VI—OTHER PROVISIONS

SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''February 28, 2010'' and inserting ''September 30, 2010''; and

(2) in subparagraph (B), by striking ''March 1, 2010'' and inserting ''October 1, 2010''.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION.—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

TITLE VIII—ADDITIONAL OFFSETS

SEC. 801. REPEAL OF INCREASE OF THE OFFICE BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111–68 for the legislative branch, $245,000,000 in unobligated balances are permanently rescinded: *Provided*, That none of the funding available for the Legislative Branch be available for any pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend.

SEC. 802. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF AGRICULTURE.

Of the funds made available under Public Law 111-80 for the Department of Agriculture, $1,342,800,000 in unobligated balances are permanently rescinded: *Provided*, That as proposed by the President's FY 2010 budget, no funding may be available for the Economic Action Program, which is duplicative of USDA's Urban and Community Forestry program, has been poorly managed, and has funded questionable initiatives such as music festivals: *Provided further*, That no funding may be available for the High Energy Cost grant program, which is duplicative of the $6,000,000,000 in low interest loan programs offered by the UDSA's Rural Utilities Service: *Provided further*, That as included in the Congressional Budget Office's August 2009 Budget Options document, which states that the program ''merely replaces private spending with public spending'', no funding may be available for the Foreign Market Development Program, which also duplicates the Foreign Agricultures Service's Market Access Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department relating to encouraging conservation, including the Conservation Stewardship Program, which the Government Accountability Office revealed in 2006 is duplicative of other USDA conservations efforts, including the Conservation Reserve Program, the Wetlands Reserve Program, the Farmland Protection Program, the Wildlife Habitat Program, and the Grassland Reserve Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to bioenergy promotion, including the Department of Energy's Biomass Program, the Department of Agriculture's Biomass Crop Assistance Program, the Biorefinery Program for Advanced Fuels Program, and the Biobased Products and Bioenergy Program, the Biorefinery Repowering Assistance Program, the New Era Rural Technology Competitive Grants Program, and the Feedstock Flexibility Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to alternative energy, including the Department of Energy's Geothermal Technology Program, Wind Energy Program, and the Solar Energy Technologies Program, and the Department of Agriculture's Rural Energy for America Program: the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department that provide food assistance to foreign countries, including the USAD Foreign Agricultural Service, the food for Progress Program, the McGovern-Dole International Food for Education and Child Nutrition Program, the food for Peace programs, the Bill Emerson Humanitarian Trust, and the Local and Regional Procurement Projects; *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 803. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF COMMERCE.

Of the funds made available under Public Law 111–117 for the Department of Commerce, $697,850,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with the Secretary of Agriculture to consolidate and reduce the cost of administering the programs administered by both Departments that provide rural public telecom grants, including eliminating USDA's grants to rural public broadcasting stations, as proposed by the President's FY 2010 budget, which duplicates the Department of Commerce's Public Telecommunications Facilities Program, and the Corporation for Public Broadcasting, which also receives Federal funding: *Provided further*, That no funding may be made available for the Hollings Manufacturing Extension Partnership Program, which duplicates the Small Business Administration's Small Business Development Centers and which has been found by the Office of Management and Budget to ''only serve a small percentage of small manufactures each year'': *Provided further*, That the Secretary shall work with the Secretaries of Housing and Rural Development and Agriculture to consolidate and reduce the cost of administering the programs administered by these Departments relating to Economic Development, including the following programs, the Economic Development Administration, the Community Development Block Grants, Rural Development Administration grants, the National Community Development Initiative, the Brownfields Economic Development Initiative, the Rural Housing and Economic Development grants, the Community Service Block Grants, the Delta Regional Authority, the Community Economic Development grants, and the Historically Underutilized Business Zone program: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 804. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF EDUCATION.

Of the funds made available under Public Law 111–117 for the Department of Education, $3,213,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 30 Federal programs that provide

financial assistance to students to support postsecondary education in the forms of grants, scholarships, fellowships, and other types of stipends, including the 15 such programs at the Department of Education, such as the Academic Competitiveness Grants, the TEACH grants, the Federal Supplemental Education Opportunity Grants, the Leveraging Educational Assistance Program, the Javits Fellowships Program, Graduate Assistance in Areas of National Need program, as well as the three similar programs administered by the National Science Foundation, such as the Robert Noyce Teacher Scholarship program, as well as a program at the Department of Justice and one at the Health Resources Administration: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 69 Federal programs dedicated in full or in part to supporting early childhood education and child care, as outlined by the Government Accountability Office, which found that these 69 education programs are spread across 10 different agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 105 Federal science, technology, math, and engineering education programs, as outlined by the Academic Competitiveness Council, which found that these 105 education programs are spread across numerous Federal agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the numerous student foreign exchange and international education programs, including the at least 14 programs at the Department, including the American Overseas Research Centers, Business and International Education, Centers for International Business Education, the Foreign Language and Area Studies Fellowships, the Institute for International Public Policy, the International Research and Studies, the Language Resource Centers, the National Resource Centers, the Technological Innovation and Cooperation for Foreign Information Access, and the Undergraduate International Studies and Foreign Language Program, the State Department's Benjamin A. Gilman International Scholarship Program, the Boren National Security Education Trust Fund, and exchange programs administered by the National Science Foundation's Office of International Science and Engineering.

SEC. 805. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF ENERGY.

Of the funds made available under Public Law 111-85 for the Department of Energy, $1,321,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal weatherization efforts, including Federal funding for State-run weatherization projects, the Department of Energy's Energy Conservation and Weatherization grants, as well as the Department of Energy's building Technologies Program, the LIHEAP weatherization efforts, the National Park Service's Weatherization and Improving the Energy Efficiency of Historic Buildings program, and the Department of Housing and Urban Development's Energy Innovation Fund: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various energy grant programs, including the Tribal Energy grant program, which overlaps with the Department's Energy Efficiency and Conservation Block Grants, and the Energy Start Energy Efficient appliance Rebate Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various vehicle technology programs at the Department, including the Vehicle Technologies program, the Advanced Battery Manufacturing grants, the Advanced Technology Vehicles Manufacturing Loans Program, and the Innovative Technology Loan Guarantee Program.

SEC. 806. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Of the funds made available under Public Law 111–117 for the Department of Health and Human Services, $4,116,950,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the programs that support nonresidential buildings and facilities construction, including the 29 programs across 8 Federal agencies identified by the Government Accountability Office. The Secretary, in coordination with the Secretary of HUD and USDA and other appropriate departments and agencies, shall consolidate duplicative programs intended to reduce poverty and revitalize low-income communities, including the HHS Community Services Block Grant, the HUD Community Development Block Grant, and USDA Rural Development program: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal programs, across multiple agencies, that funded childhood obesity programs, either as the main focus or as one component of the Federal program.

SEC. 807. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOMELAND SECURITY.

Of the funds made available under Public Law 111–83 for the Department of Homeland Security, $2,205,000,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal homeland security programs, as identified by the Office of Management and Budget, which states that ''a total of 31 agency budgets include Federal homeland security funding in 2010''.

SEC. 808. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Of the funds made available under Public Law 111–117 for the Department of Housing and Urban Development, $2,302,450,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal programs aimed at addressing homelessness, including the Supportive Housing Program, the Shelter Plus Care Program, the Single Room Occupancy Program, the Emergency Shelter Grant Program, programs at Health and Human Services such as the Basic Center Program, Projects for Assistance in Transition from Homelessness, and the Street Outreach Program, and also including the more than 23 housing programs identified by the Government Accounting Office that target or have special features for the elderly.

SEC. 809. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF INTERIOR.

Of the funds made available under Public Law 111–88 for the Department of Interior, $606,200,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the cost of administering the at least 11 historic preservation programs at the Department, including the 9 preservation programs at the Heritage Preservation Services, such as the Federal Agency Preservation Assistance Program, the Historic Preservation Planning Program, the Technical Preservation Services for Historic Buildings, as well as the Save America's Treasures Grant Program, the Advisory Council on Historic Preservation, and the Preserve America program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various climate change impact programs at the Department, including the Bureau of Indian Affairs office Tackling Climate Impacts Initiative, the U.S. Geological Survey's National Climate Change and Wildlife Science Center, the U.S. Fish and Wildlife Service climate change initiatives, and the state and tribal wildlife conservation grants which are being provided to entities to adapt and mitigate the impacts of climate change on wildlife: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the dozens of invasive species research, monitoring, and eradication programs at the Department, including the eight programs administered by the U.S. Fish and Wildlife Services, the similar programs administered by the Bureau of Land Management, the National Park Service, and the 4 Federal councils created to coordinate Federal invasive species efforts, the National Invasive Species Council, the National Invasive Species Information Center, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Aquatic Nuisance Species Task Force.

SEC. 810. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF JUSTICE.

Of the funds made available under Public Law 111–117 for the Department of Justice, $1,385,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Attorney General in coordination with the heads of other Departments and agencies, shall consolidate Federal offender reentry programs, including those authorized by the Second Chance Act, the DOJ Office of Justice Programs Bureau of Justice Assistance Prisoner Reentry Initiative, the Department of Labor Reintegration of Ex-Offenders program, the Department of Education Lifeskills for State and Local Inmates Programs, and the HHS Young Offender Reentry Program: *Provided further*, That the Attorney General shall consolidate the four duplicative grant programs, including the State Formula Grant program, the Juvenile Delinquency Prevention Block Grant program, the Challenge/Demonstration Grant program, and the Title V grant program, administered under the Juvenile Justice and Delinquency Prevention Act and reduce the cost of administering such programs: *Provided further*, That the Attorney General, in coordination with the Secretary of Health and Human Services (HHS) and the Office of National Drug Control Policy (ONDCP), shall consolidate Federal programs that assist state drug courts, including substance abuse treatment services for offenders, such as the HHS Adult, Juvenile, and Family Drug Court program, the Substance Abuse and Mental

Health Services Administration Drug Court Treatment Program, the DOJ Drug Court Program, the ONDCP National Drug Court Institute: *Provided further*, That the Attorney General shall eliminate the National Drug Intelligence Center (NDIC) which duplicates the activities of 19 other drug intelligence centers and reassign any essential duties performed by NDIC.

SEC. 811. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF LABOR.

Of the funds made available under Public Law 111–117 for the Department of Labor, $679,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the 18 programs administered by the Department and ten programs administered by other agencies that support job training and employment, such as the Adult Employment and Training Activities program, Dislocated Worked Employment and Training Activities, Youth Activities, YouthBuild, and the Migrant and Seasonal Farmers program and reduce the cost of administering such programs.

SEC. 812. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF STATE.

Of the funds made available under Public Law 111–117 for the Department of State, $1,318,550,000 in unobligated balances are permanently rescinded: *Provided*, That in accordance with the President's FY 2010 budget, no funding may be made available for the Center for Cultural and Technical Interchange Between East and West, which duplicates the State Departments cultural exchanges: *Provided further*, That no funding may be made available for the Asia Foundation, which duplicates efforts at USAID and the National Endowment for Democracy: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 813. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TRANSPORTATION.

Of the funds made available under Public Law 111–117 for the Department of Transportation, $1,090,500,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the costs of various duplicative highway programs, including the regionally specific development programs, the Federal-Aid Highway Programs under chapter I of title 23, United States Code, the Research programs authorized under title V of Public Law 109–59: *Provided further*, That the Secretary shall consolidate and reduce the costs of various rail-line relocation grant programs, including the Rail-Line Relocation and Improvement Capital Program, and the Highway-Rail Crossings Program, the Railroad Rehabilitation and Improvement Financing program.

SEC. 814. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TREASURY.

Of the funds made available under Public Law 111–117 for the Department of Treasury, $677,650,000 in unobligated balances are permanently rescinded.

SEC. 815. RESCISSION OF UNSPENT AND UNCOMMITTED FUNDS FEDERAL FUNDS.

Notwithstanding any other provision of law, of the $657,000,000,000 in Federal funds unobligated at the end of fiscal year 2009, the discretionary, unexpired funds available for more than 2 consecutive fiscal years, as of the date of enactment of this Act, are permanently rescinded.

SEC. 816. IMPLEMENTATION OF RESCISSIONS.

All rescissions required by this title—

(1) shall come from discretionary amounts appropriated; and

(2) should be rescinded not later 14 days after the date of enactment of this title.

SA 3362. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 131, insert the following:

SEC. 131A. INCREASE IN ALTERNATIVE SIMPLIFIED RESEARCH CREDIT.

(a) INCREASED CREDIT.—Paragraph (5) of section 41(c) (relating to election of alternative simplified credit) is amended—

(1) by striking ''14 percent (12 percent in the case of taxable years ending before January 1, 2009)'' in subparagraph (A) and inserting ''17 percent'', and

(2) by striking ''6 percent'' in subparagraph (B)(ii) and inserting ''8.5 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SA 3363. Mr. KERRY (for himself, Ms. SNOWE, Ms. LANDRIEU, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. TREATMENT OF CERTAIN SMALL BUSINESS STOCK.

(a) INCREASE IN EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.—

(1) IN GENERAL.—Paragraph (3) of section 1202(a) is amended to read as follows:

''(C) SPECIAL RULES FOR 2009 AND 2010.—

''(i) 75 PERCENT EXCLUSION.—In the case of qualified small business stock acquired after February 17, 2009, and before the date of the enactment of the American Workers, State, and Business Relief Act of 2010—

''(I) paragraph (1) shall be applied by substituting '75 percent' for '50 percent', and

''(II) paragraph (2) shall not apply.

''(ii) 100 PERCENT EXCLUSION.—In the case of qualified small business stock acquired on or after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and before January 1, 2011—

''(I) paragraph (1) shall be applied by substituting '100 percent' for '50 percent', and

''(II) paragraph (2) shall not apply.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to stock acquired after the date of the enactment of this Act.

(b) REPEAL OF MINIMUM TAX PREFERENCE.—

(1) IN GENERAL.—Subsection (a) of section 57 is amended by striking paragraph (7).

(2) TECHNICAL AMENDMENT.—Subclause (II) of section 53(d)(1)(B)(ii) of such Code is amended by striking '', (5), and (7)'' and inserting ''and (5)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to stock issued after December 31, 2009.

(c) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—

(1) IN GENERAL.—Section 1202(c) is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF STOCK OWNED BY SMALL BUSINESS INVESTMENT COMPANIES.—Notwithstanding any other provision of this subsection or subsection (e), the term 'qualified small business stock' shall include stock of a corporation—

''(A) held by a small business investment company licensed and operating under the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) or held by a company engaged in the licensing process under such Act where the investment has been approved by the Small Business Administration, and

''(B) issued after December 31, 2009, and before January 1, 2011.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to stock issued after December 31, 2009.

SA 3364. Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. REMOVAL OF CELLULAR TELEPHONES (OR SIMILAR TELECOMMUNICATIONS EQUIPMENT) FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) (defining listed property) is amended by inserting ''and'' at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2009.

SA 3365. Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. DODD, Mrs. SHAHEEN, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GAO STUDY.

Not later than 180 days after the date of enactment of this Act, the Comptroller General shall report to Congress detailing—

(1) the pattern of job loss in the New England States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the region; and

(3) recommendations to attract industries and bring jobs to the region.

SA 3366. Mr. LEMIEUX submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 6___. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

(a) PRE-DISASTER HAZARD MITIGATION HOME IMPROVEMENTS.—Section 412(9) of the Energy Conservation and Production Act (42 U.S.C. 6862(9)) is amended—

(1) in subparagraph (I), by striking ''and'' after the semicolon at the end;

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following:

''(J) pre-disaster hazard mitigation home improvements designed to decrease the loss of life or property resulting from a natural disaster (as defined in section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a)) if the home improvements result in increased energy efficiency or weatherization, including wind resistant and energy efficient windows, window coverings, doors, and roofing (including secondary roof water barriers); and''.

(b) LIMITATION ON EXPENDITURES.—Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended in the first sentence by striking ''$6,500'' and inserting ''$8,500''.

SA 3367. Mr. THUNE (for himself, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3345 proposed by Ms. LANDRIEU and intended to be proposed to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE VIII—SMALL BUSINESS LOANS

SEC. 801. SHORT TITLE.

This title may be cited as the ''Small Business Job Creation and Access to Capital Act of 2010''.

SEC. 802. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''75 percent'' and inserting ''90 percent''; and

(B) in clause (ii), by striking ''85 percent'' and inserting ''90 percent''; and

(2) in paragraph (3)(A), by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000''.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''90 percent'' and inserting ''75 percent''; and

(B) in clause (ii), by striking ''90 percent'' and inserting ''85 percent''; and

(2) in paragraph (3)(A), by striking ''$4,500,000'' and inserting ''$3,750,000''.

SEC. 803. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$5,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$5,000,000'';

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000'';

(4) in clause (iv), by striking ''$4,000,000'' and inserting ''$5,500,000''; and

(5) in clause (v), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 804. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking ''$35,000'' and inserting ''$50,000'';

(2) in paragraph (3)—

(A) in subparagraph (C), by striking ''$3,500,000'' and inserting ''$5,000,000''; and

(B) in subparagraph (E), by striking ''$35,000'' each place that term appears and inserting ''$50,000''; and

(3) in paragraph (11)(B), by striking ''$35,000'' and inserting ''$50,000''.

SEC. 805. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—

''(1) DEFINITION.—In this subsection, the term 'covered New Markets Venture Capital company' means a New Markets Venture Capital company—

''(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

''(B) that has obtained a financing from the Administrator.

''(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

''(A) the regulatory capital of the covered New Markets Venture Capital company; and

''(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.''.

SEC. 806. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) ALTERNATIVE SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

''(i) the maximum tangible net worth of the applicant is not more than $15,000,000; and

''(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than $5,000,000.''.

SEC. 807. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

''(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than $500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of $500,000 and 1 increment of any remaining amount less than $500,000, in order to permit the maximum amount of any loan in a pool to be not more than $500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.''.

SEC. 808. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 809. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

''(C) REFINANCING NOT INVOLVING EXPANSIONS.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

''(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

''(III) the term 'qualified debt' means indebtedness—

''(aa) that—

''(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

''(BB) is a commercial loan;

''(CC) is not subject to a guarantee by a Federal agency;

''(DD) the proceeds of which were used to acquire an eligible fixed asset;

''(EE) was incurred for the benefit of the small business concern; and

''(FF) is collateralized by eligible fixed assets; and

''(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

''(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

''(I) the amount of the financing is not more than 80 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

''(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

''(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

''(iii) FINANCING FOR BUSINESS EXPENSES.—

''(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

''(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

''(aa) a specific description of the expenses for which the additional financing is requested; and

''(bb) an itemization of the amount of each expense.

''(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

''(iv) LOANS BASED ON JOBS.—

''(I) JOB CREATION AND RETENTION GOALS.—

''(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

''(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $65,000.

''(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

''(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

''(bb) the product obtained by multiplying—

''(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

''(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

''(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

''(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $4,000,000,000 of financing under this subparagraph for each fiscal year.''.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking ''subparagraph (B) or (C)'' and inserting ''clause (ii), (iii), (iv), or (v)''.

SEC. 810. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (l) and inserting the following:

''(l) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible intermediary'—

''(i) means a private, nonprofit entity that—

''(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

''(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

''(ii) includes—

''(I) a private, nonprofit community development corporation;

''(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

''(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

''(B) the term 'Program' means the small business intermediary lending pilot program established under paragraph (2).

''(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

''(3) PURPOSES.—The purposes of the Program are—

''(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

''(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

''(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

''(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

''(i) the type of small business concerns to be assisted;

''(ii) the size and range of loans to be made;

''(iii) the interest rate and terms of loans to be made;

''(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

''(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

''(vi) the qualifications of the applicant to carry out this subsection.

''(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed $1,000,000 during the participation of the eligible intermediary in the Program.

''(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

''(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

''(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

''(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

''(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2010, 2011, and 2012, the Administrator may make loans under the Program—

''(i) to not more than 20 eligible intermediaries; and

''(ii) in a total amount of not more than $20,000,000.

''(5) LOANS TO SMALL BUSINESS CONCERNS.—

''(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

''(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than $200,000 to any 1 small business concern.

''(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

''(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

''(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.''.

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(l) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 811. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this title or the amendments made by this title shall be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out this title or an amendment made by this title.

(2) DEFINITION.—In this subsection, the term ''covered amounts'' means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SA 3368. Mr. FEINGOLD (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE _____—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. __01. DEFINITION.

In this title, the term ''earmark'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. __02. RESCISSION.

Any appropriated earmark provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year.

SEC. __03. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, the year when the funding expires, if applicable, and recommendations and justifications for whether each earmark should be rescinded or retained in the next fiscal year;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

SA 3369. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, strike lines 3 through 13.

SA 3370. Mr. ROCKEFELLER (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

SEC. _____. MODIFICATIONS TO MINE RESCUE TEAM TRAINING CREDIT AND ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) MINE RESCUE TEAM TRAINING CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and

(2) by inserting after clause (v) the following new clause:

''(vi) the credit determined under section 45N,''.

(b) ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT ALLOWABLE AGAINST AMT.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

''(vii) SPECIAL RULE FOR ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.—Clause (i) shall not apply to amounts deductible under section 179E.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SA 3371. Mr. ROCKEFELLER (for himself, Mr. SPECTER, and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. _____. EXTENSION AND MODIFICATION OF SECTION 45 CREDIT FOR REFINED COAL FROM STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.''.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking ''(or any modification to a facility)'', and

(2) by striking ''2010'' and inserting ''2011''.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting '', a blend of coal and petroleum coke, or other coke feedstock'' after ''on coal''.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

''With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.''.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.''.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting ''(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))'' after ''service''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SA 3372. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 6___. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SA 3373. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. 01. 10-YEAR CARRYBACK OF OPERATING LOSSES OF SMALL BUSINESSES.

(a) IN GENERAL.—Section 172(b)(1) is amended by adding at the end the following new subparagraph:

''(I) CARRYBACK FOR 2010 AND 2011 NET OPERATING LOSSES OF SMALL BUSINESSES.—

''(i) IN GENERAL.—If a small business (as defined in subparagraph (F)(iii) determined by applying such subparagraph for a 10-taxable year period) elects the application of this subparagraph with respect to an applicable 2010 or 2011 net operating loss—

''(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 11 for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) APPLICABLE 2010 OR 2011 NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable 2010 or 2011 net operating loss' means—

''(I) the taxpayer's net operating loss for any taxable year ending in 2010 or 2011, or

''(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer's net operating loss for any taxable year beginning in 2010 or 2011.

''(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable. Any election under this subparagraph may be made only with respect to 2 taxable years.''.

(b) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2009.

(2) TRANSITIONAL RULE.—In the case of a net operating loss for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ''applicable date'' means the date which is 60 days after the date of the enactment of this Act.

SEC. 02. TRANSFER OF STIMULUS FUNDS.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues and the amount of any net increase in spending resulting from the enactment of this Act.

SA 3374. Mr. BAYH (for himself, Mrs. LINCOLN, Mr. WICKER, Mr. VITTER, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 3338 submitted by Mr. THUNE to the amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

SEC. 121. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR REFUNDABLE CREDITS.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

''(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i)

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36A,''.

SEC. 122. LOW-INCOME HOUSING GRANT ELECTION.

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting '', plus any increase in the State housing credit ceiling for 2009 attributable to any State housing credit ceiling returned in 2009 to the State by reason of section 1400N(c) of such Code (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)'' after ''1986'' in subparagraph (A), and

(2) by inserting '', plus any increase in the State housing credit ceiling for 2009 attributable to any additional State housing credit ceiling made by reason of the application of such section 702(d)(2) and 704(b)'' after ''such section'' in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

''For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

SA 3375. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, between lines 10 and 11, insert the following:

SEC. _____. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking the period at the end of paragraph (5) and inserting '', and'', by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

''(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).''.

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 is amended by adding at the end the following new subsection:

''(j) IMPORTED PROPERTY INCOME.—

''(1) IN GENERAL.—For purposes of subsection (a)(5), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

''(A) manufacturing, producing, growing, or extracting imported property;

''(B) the sale, exchange, or other disposition of imported property; or

''(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

''(2) IMPORTED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

''(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated

person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

''(i) such property would be imported into the United States; or

''(ii) such property would be used as a component in other property which would be imported into the United States.

''(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

''(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

''(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

''(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term 'imported property' does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

''(3) DEFINITIONS AND SPECIAL RULES.—

''(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

''(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

''(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income.''.

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) imported property income, and''.

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).''.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) is amended by inserting ''or imported property income'' after ''passive category income''.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

''(II) imported property income,''.

(2) The last sentence of paragraph (4) of section 954(b) (relating to exception for certain income subject to high foreign taxes) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(3) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking ''and the foreign base company oil related income'' and inserting ''the foreign base company oil related income, and the imported property income''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

SA 3376. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF THE RURAL COMMUNITY HOSPITAL DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2272) is amended by adding at the end the following new subsection:

''(g) FIVE-YEAR EXTENSION OF DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall conduct the demonstration program under this section for an additional 5-year period (in this section referred to as the '5-year extension period') that begins on the date immediately following the last day of the initial 5-year period under subsection (a)(5).

''(2) EXPANSION OF DEMONSTRATION STATES.—Notwithstanding subsection (a)(2), during the 5-year extension period, the Secretary shall expand the number of States with low population densities determined by the Secretary under such subsection to 20. In determining which States to include in such expansion, the Secretary shall use the same criteria and data that the Secretary used to determine the States under such subsection for purposes of the initial 5-year period.

''(3) INCREASE IN MAXIMUM NUMBER OF HOSPITALS PARTICIPATING IN THE DEMONSTRATION PROGRAM.—Notwithstanding subsection (a)(4), during the 5-year extension period, not more than 30 rural community hospitals may participate in the demonstration program under this section.

''(4) HOSPITALS IN DEMONSTRATION PROGRAM ON DATE OF ENACTMENT.—In the case of a rural community hospital that is participating in the demonstration program under this section as of the last day of the initial 5-year period, the Secretary—

''(A) shall provide for the continued participation of such rural community hospital in the demonstration program during the 5-year extension period unless the rural community hospital makes an election, in such form and manner as the Secretary may specify, to discontinue such participation; and

''(B) in calculating the amount of payment under subsection (b) to the rural community hospital for covered inpatient hospital services furnished by the hospital during such 5-year extension period, shall substitute, under paragraph (1)(A) of such subsection—

''(i) the reasonable costs of providing such services for discharges occurring in the first cost reporting period beginning on or after the first day of the 5-year extension period, for

''(ii) the reasonable costs of providing such services for discharges occurring in the first cost reporting period beginning on or after the implementation of the demonstration program.''.

(b) CONFORMING AMENDMENT.—Subsection (a)(5) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2272) is amended by inserting ''(in this section referred to as the 'initial 5-year period') and, as provided in subsection (g), for the 5-year extension period'' after ''5-year period''.

SA 3377. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 601, insert the following:

SEC. 602. NON-PROFIT COMMUNITY DEVELOPMENT ACTIVITIES IN REMOTE NATIVE VILLAGES.

For purposes of subchapter F of chapter 1 of the Internal Revenue Code of 1986, any trade or business substantially related to the participation and investment in fisheries in the Bering Sea and Aleutian Islands Management Area carried on by a Community Development Quota entity identified in section 305(i)(1)(D) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)(1)(D) (as in effect on the date of the enactment of this Act) shall be considered substantially related to the exercise or performance of the purpose constituting the basis of such entity's exemption under section 501(a) of such Code if the conduct of such trade or business is in furtherance of one or more of the purposes specified in section 305(i)(1)(A) of such Act. For purposes of this section, trades or businesses substantially related to participation or investment in fisheries include harvesting, processing, transportation, sales, and marketing of fish and fish product.

SA 3378. Mr. NELSON of Florida submitted an amendment intended to be proposed to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, insert the following:

SEC. 4____. EXECUTIVE COMPENSATION PAID BY SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Wall Street Compensation Reform Act of 2010''.

(b) EXECUTIVE COMPENSATION PAID BY SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Subsection (m) of section 162 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR APPLICATION TO SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTIONS.—

''(A) IN GENERAL.—In the case of an employer which is a systemically significant financial institution, this subsection shall apply with the following modifications:

''(i) NON-PUBLIC ENTITIES.—Paragraph (1) shall be applied by substituting 'employer' for 'publicly held corporation'.

''(ii) COVERED EMPLOYEES.—Paragraph (3) shall be applied—

''(I) by substituting 'such employee is among the 25 highest compensated employees' for so much of subparagraph (B) as precedes 'for the taxable year (other than the chief executive officer).', and

''(II) in addition to the individuals described in such paragraph (including the individuals described in subclause (I) of this clause), by treating any employee whose actions have a material impact on the risk exposure of the taxpayer as a covered employee.

Any employee whose applicable employee remuneration for the taxable year exceeds $1,000,000 is presumed to engage in actions which have a material impact on the risk exposure of the taxpayer unless the taxpayer submits an information return to the Secretary which describes the role and responsibilities of such employee and the reason such employee should not be considered to have a material impact on the risk exposure of the taxpayer. Such return shall be deemed to have been approved unless the Secretary notifies the taxpayer in writing within 90 days of the submission of such return. For purposes of this clause, the term 'employee' includes employees within the meaning of section 401(c)(1).

''(iii) REMUNERATION PAYABLE ON COMMISSION BASIS.—Subparagraph (B) of paragraph (4) shall not apply.

''(iv) DEFERRED DEDUCTION EXECUTIVE REMUNERATION.—In the case of any deferred deduction executive remuneration (as determined under rules similar to the rules of paragraph (5)(F), if executive remuneration for purposes of such paragraph included remuneration of covered employees as defined in clause (ii) of this paragraph, and if the year in which the applicable services were performed were treated as an applicable taxable year), rules similar to the rules of paragraph (5)(A)(ii) shall apply by substituting '$1,000,000' for '$500,000'.

''(B) SYSTEMICALLY SIGNIFICANT FINANCIAL INSTITUTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'systemically significant financial institution' means an entity which engages primarily in activities which are financial in nature (as determined under section 4(k) of the Bank Holding Company Act of 1956), and which—

''(I) owns or controls assets greater than $25,000,000,000, or

''(II) owns or controls assets greater than $10,000,000,000 and maintains a ratio of debt to equity which is greater than 20 to 1.

''(ii) CLASSIFICATION.—A taxpayer which is a systemically significant financial institution for any taxable year shall be a systemically significant financial institution for purposes of all subsequent taxable years.

''(C) SPECIAL RULES FOR PERFORMANCE-BASED COMPENSATION.—Remuneration payable solely on account of the attainment of one or more performance goals (hereinafter 'performance-based remuneration') which is paid by any systemically significant financial institution to any covered employee (as determined under subparagraph (A)(ii)) shall not be excluded under subparagraph (C) of paragraph (4) from treatment as applicable employee remuneration unless the following requirements are met:

''(i) PERFORMANCE-BASED COMPENSATION POOL.—The amount and allocation of the taxpayer's performance-based remuneration for covered employees are determined by the compensation committee required under paragraph (4)(C)(i) by taking into account—

''(I) the cost and quantity of capital required to support the risks taken by the taxpayer in the conduct of the financial activities of the taxpayer,

''(II) the cost and quantity of the liquidity risk assumed by the taxpayer in the conduct of such activities, and

''(III) the timing and likelihood of potential future revenues from such activities.

''(ii) MATERIAL TERMS.—The material terms of performance-based remuneration paid to covered employees specify that—

''(I) not less than 50 percent of such remuneration must vest no earlier than 5 years after the date of payment,

''(II) the proportion of such remuneration payable under vesting arrangements must increase based on the level of seniority or responsibility of the employee,

''(III) such remuneration payable under vesting arrangements must vest on a basis no faster than pro rata over the specified number of years of such arrangement (not to be less than 5),

''(IV) such remuneration is contingent on a formal agreement between the taxpayer and the employee which forbids the use of personal hedging strategies, remuneration-related insurance, or liability-related insurance which undermines the risk alignment effects of this paragraph,

''(V) in the case of an employer which is a publicly held corporation, not less than 50 percent of such remuneration must be in the form of stock in the employer, and

''(VI) in the case of remuneration paid to a chief executive officer or chief financial officer (if such chief financial officer is a covered employee) of a publicly held corporation, such remuneration must be subject to substantial forfeiture requirements in the event the taxpayer is required to prepare an accounting restatement due to material noncompliance, as a result of misconduct, with any financial reporting requirement under Federal securities laws.

For purposes of this clause, the date on which remuneration is deemed to have vested is the first date on which such remuneration is not subject to a substantial risk of forfeiture (within the meaning of section 409A(d)(4)).

''(D) SPECIAL RULE FOR PERFORMANCE-BASED COMPENSATION PAID BY NON-PUBLIC ENTITIES.—In the case of a systemically significant financial institution which is not a publicly held corporation, in addition to the requirements of subparagraph (C), paragraph (4)(C) shall be applied by substituting the following for clauses (i) through (iii) thereof:

''(i) the taxpayer commissions an annual, external review of its compensation policies and practices, including an examination and analysis of the taxpayer's compliance with the requirements of this subsection, and

''(ii) the taxpayer obtains certification from an unrelated third party commissioned to evaluated compensation practices that performance goals and other material terms under which the remuneration is to be paid are satisfied before any payment of such remuneration is made.'.

For purposes of the preceding sentence, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (b) or (c) of section 414 shall be treated as related taxpayers.

''(E) COORDINATION WITH RULES FOR EMPLOYERS PARTICIPATING IN THE TROUBLED ASSETS RELIEF PROGRAM.—In the case of any systemically significant financial institution to which paragraph (5) applies for any taxable year, this paragraph shall not apply to any payment of remuneration to which such paragraph applies.

''(F) REGULATORY AUTHORITY.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary shall prescribe such guidance, rules, or regulations of general applicability as are necessary to carry out the purposes of this paragraph, including—

''(i) the method for valuing assets for purposes of subparagraph (B)(i),

''(ii) the method for calculating the ratio described in subparagraph (B)(i)(II),

''(iii) criteria for use in determining whether the actions of an employee have a material impact on the risk exposure of the taxpayer, and for determining what constitutes a substantial forfeiture requirement with respect to executive remuneration,

''(iv) criteria for determining whether a remuneration agreement constitutes a hedging strategy, and

''(v) anti-abuse rules to prevent the avoidance of the purposes of this paragraph, including by use of independent contractors.

''(G) APPLICATION OF PARAGRAPH.—This paragraph shall apply—

''(i) in the case of an entity which is a systemically significant financial institution in calendar 2010, to remuneration for services performed in calendar years beginning after 2010, and

''(ii) in the case of an entity which becomes a systemically significant financial institution in a calender year after 2010, to remuneration for services performed in calendar years beginning with the second calendar year after the year in which such entity first becomes a systemically significant financial institution.''.

(2) CONFORMING AMENDMENT.—Subparagraph (G) of section 162(m)(5) is amended by adding at the end the following: ''Paragraph (6) shall not apply to any payment of remuneration to which this paragraph applies.''.

(c) REPORT ON PERFORMANCE-BASED COMPENSATION PAID BY PUBLICLY HELD CORPORATIONS.—

(1) IN GENERAL.—Each systemically significant financial institution which is a publicly held corporation shall submit to the Chairman of the Securities and Exchange Commission, and shall make publicly available, an annual report on compensation policies and practices which describes—

(A) the process used to develop and modify such institution's compensation policies, including the composition and the mandate of such institution's compensation committee,

(B) the actions taken by such institution to comply with section 162(m)(6) of the Internal Revenue Code of 1986,

(C) any additional actions taken to implement the Principles for Sound Compensation Practices adopted by the Financial Stability Board established by the G-20 Finance Ministers and Central Bank Governors,

(D) the most important design characteristics of such institution's compensation policies, including criteria used for performance measurement and risk adjustment, the linkage between pay and performance, vesting policy and criteria, and the parameters used for allocating cash versus other forms of remuneration,

(E) aggregate quantitative information on remuneration paid by such institution, differentiating between remuneration paid to senior executive officers and to employees whose actions have a material impact on the risk exposure of such institution, which indicates the amounts of remuneration for the financial year (divided into fixed and variable remuneration) and the number of employees to which such remuneration was paid, and

(F) the amount of remuneration paid by such institution during the financial year preceding the year of the report which was nondeductible by reason of section 162(m) of such Code.

(2) TIMING OF REPORT.—The report required under paragraph (1) shall be submitted beginning in calendar year 2011 (or, if later, the

calendar year after the year in which an entity first becomes a systemically significant financial institution which is a publicly held corporation), at such time during such year and each subsequent year as the Chairman of the Securities and Exchange Commission shall specify.

(3) DEFINITIONS.—Any term used in this subsection which is also used in section 162(m)(6) of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section.

(d) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to remuneration for services performed after December 31, 2010.

SA 3379. Mr. NELSON of Florida (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. CLEAN RENEWABLE WATER SUPPLY BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 54G. CLEAN RENEWABLE WATER SUPPLY BONDS.

''(a) CLEAN RENEWABLE WATER SUPPLY BONDS.—For purposes of this subpart, the term 'clean renewable water supply bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

''(2) the bond is issued by a qualified issuer,

''(3) the issuer designates such bond for purposes of this section, and

''(4) in the case of a bond issued by a qualified issuer before 2019, the bond is issued—

''(A) pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable water supply bond limitation under subsection (b), and

''(B) not later than 6 months after the date that such qualified issuer receives an allocation under subsection (b).

''Any allocation under subsection (b) not used within the 6-month period described in paragraph (4)(B) shall be applied to increase the national clean renewable water supply bond limitation for the next succeeding application period under subsection (b)(2)(B).

''(b) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a national clean renewable water supply bond limitation for each calendar year before 2019. Such limitation is—

''(A) $0 for 2009,

''(B) $100,000,000 for 2010,

''(C) $150,000,000 for 2011,

''(D) $200,000,000 for 2012,

''(E) $250,000,000 for 2013,

''(F) $500,000,000 for 2014,

''(G) $750,000,000 for 2015,

''(H) $1,000,000,000 for 2016,

''(I) $1,500,000,000 for 2017, and

''(J) $1,750,000,000 for 2018.

''(2) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified projects as provided in this paragraph.

''(B) METHOD OF ALLOCATION.—For each calendar year after 2009 for which there is a national clean renewable water supply bond limitation, the Secretary shall publish a notice soliciting applications by qualified issuers for allocations of such limitation to qualified projects. Such notice shall specify a 3-month application period in the calendar year during which the Secretary will accept such applications. Within 30 days after the end of such application period, and subject to the requirements of subparagraph (C), the Secretary shall allocate such limitation to qualified projects on a first-come, first-served basis, based on the order in which such applications are received from qualified issuers.

''(C) ALLOCATION REQUIREMENTS.—

''(i) CERTIFICATIONS REGARDING REGULATORY APPROVALS.—No portion of the national clean renewable water supply bond limitation shall be allocated to a qualified project unless the qualified issuer has certified in its application for such allocation that as of the date of such application the qualified issuer or qualified borrower has received all Federal and State regulatory approvals necessary to construct the qualified project.

''(ii) RESTRICTION ON ALLOCATIONS TO LARGE PROJECTS OR TO INDIVIDUAL PROJECTS.—

''(I) IN GENERAL.—Except as provided in subclause (III), for any calendar year the Secretary shall not allocate more than 60 percent of the national clean renewable water supply bond limitation to 1 or more large projects, more than 18 percent of such limitation to any single project that is a large project, or more than 12 percent of such limitation to any single project that is not a large project.

''(II) DEFINITION OF LARGE PROJECT.—For purposes of subclause (I), the term 'large project' means a qualified project that is designed to deliver more than 10,000,000 gallons of water per day.

''(III) EXCEPTION TO RESTRICTION.—Subclause (I) shall not apply to the extent its application would cause any portion of the national clean renewable water supply bond limitation for the calendar year to remain unallocated, based on applications for allocations of such limitation received by the Secretary during the application period referred to in subparagraph (B).

''(3) CARRYOVER OF UNUSED LIMITATION.—If the clean renewable water supply bond limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

''(c) MATURITY LIMITATION.—

''(1) IN GENERAL.—A bond shall not be treated as a clean renewable water supply bond if the maturity of such bond exceeds 20 years.

''(2) COORDINATION WITH SECTION 54A.—The maturity limitation in section 54A(d)(5) shall not apply to any clean renewable water supply bond.

''(d) REFINANCING RULES.—For purposes of paragraph (a)(1), a qualified project may be refinanced with proceeds of a clean renewable water supply bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(e) DEFINITIONS.—For purposes of this section—

''(1) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(2) LOCAL WATER COMPANY.—The term 'local water company' means any entity responsible for providing water service to the general public (including electric utility, industrial, agricultural, commercial, or residential users) pursuant to State or tribal law.

''(3) QUALIFIED BORROWER.—The term 'qualified borrower' means a governmental body or a local water company.

''(4) QUALIFIED DESALINATION FACILITY.—The term 'qualified desalination facility' means any facility that is used to produce new water supplies by desalinating seawater, groundwater, or surface water if the facility's source water includes chlorides or total dissolved solids that, either continuously or seasonally, exceed maximum permitted levels for primary or secondary drinking water under Federal or State law (as in effect on the date of issuance of the issue).

''(5) QUALIFIED GROUNDWATER REMEDIATION FACILITY.—The term 'qualified groundwater remediation facility' means any facility that is used to reclaim contaminated or naturally impaired groundwater for direct delivery for potable use if the facility's source water includes constituents that exceed maximum contaminant levels regulated under the Safe Drinking Water Act (as in effect on the date of the enactment of this section).

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a governmental body, or

''(B) in the case of a State or political subdivision thereof (as defined for purposes of section 103), any entity qualified to issue tax-exempt bonds under section 103 on behalf of such State or political subdivision.

''(7) QUALIFIED PROJECT.—

''(A) IN GENERAL.—The term 'qualified project' means any facility owned by a qualified borrower which is a—

''(i) qualified desalination facility,

''(ii) qualified recycled water facility,

''(iii) qualified groundwater remediation facility, or

''(iv) facility that is functionally related or subordinate to a facility described in clause (i), (ii), or (iii).

''(B) ENVIRONMENTAL IMPACT.—A project shall not be treated as a qualified project under subparagraph (A) unless such project is designed to comply with regulations issued under subsection (f) relating to the minimization of the environmental impact of the project.

''(8) QUALIFIED RECYCLED WATER FACILITY.—

''(A) IN GENERAL.—The term 'qualified recycled water facility' means any wastewater treatment or distribution facility which—

''(i) exceeds the requirements for the treatment and disposal of wastewater under the Clean Water Act and any other Federal or State water pollution control standards for the discharge and disposal of wastewater to surface water, land, or groundwater (as such requirements and standards are in effect on the date of issuance of the issue), and

''(ii) except as provided in subparagraph (B), is used to reclaim wastewater produced by the general public (including electric utility, industrial, agricultural, commercial, or residential users) to the extent such reclaimed wastewater is used for a beneficial use that the issuer reasonably expects as of the date of issuance of the issue otherwise would have been satisfied with potable water supplies.

''(B) IMPERMISSIBLE USES.—Reclaimed wastewater is not used for a use described in subparagraph (A)(ii) to the extent such reclaimed wastewater is—

''(i) discharged into a waterway or used to meet waterway discharge permit requirements and not used to supplement potable water supplies,

''(ii) used to restore habitat,

''(iii) used to provide once-through cooling for an electric generation facility, or

''(iv) intentionally introduced into the groundwater and not used to supplement potable water supplies.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations promulgated in consultation with the Administrator of the Environmental Protection Agency to ensure the environmental impact of qualified facilities is minimized.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (D), by inserting ''or'' at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

''(F) a clean renewable water supply bond,''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) in the case of a clean renewable water supply bond, a purpose specified in section 54G(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 54G. Clean renewable water supply bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SA 3380. Mr. NELSON of Florida (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. INCLUSION OF ALGAE-BASED BIOFUEL IN DEFINITION OF CELLULOSIC BIOFUEL.

(a) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) GENERAL RULE.—Paragraph (4) of section 40(a) of the Internal Revenue Code of 1986 is amended by inserting ''and algae-based'' after ''cellulosic''.

(2) DEFINITIONS.—Paragraph (6) of section 40(b) of such Code is amended—

(A) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading,

(B) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The cellulosic and algae-based biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of—

''(i) qualified cellulosic biofuel production, and

''(ii) qualified algae-based biofuel production.'',

(C) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (I), (J), and (K), respectively,

(D) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading of subparagraph (I), as so redesignated,

(E) by inserting ''or algae-based biofuel, whichever is appropriate,'' after ''cellulosic biofuel'' in subparagraph (J), as so redesignated,

(F) by inserting ''and qualified algae-based biofuel production'' after ''qualified cellulosic biofuel production'' in subparagraph (K), as so redesignated, and

(G) by inserting after subparagraph (E) the following new subparagraphs:

''(F) QUALIFIED ALGAE-BASED BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified algae-based biofuel production' means any algae-based biofuel which is produced by the taxpayer, and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified algae-based biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such algae-based biofuel at retail to another person and places such algae-based biofuel in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified algae-based biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(G) QUALIFIED ALGAE-BASED BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified algae-based biofuel mixture' means a mixture of algae-based biofuel and gasoline or of algae-based biofuel and a special fuel which—

''(i) is sold by the person producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the person producing such mixture.

''(H) ALGAE-BASED BIOFUEL.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'algae-based biofuel' means any liquid fuel, including gasoline, diesel, aviation fuel, and ethanol, which—

''(I) is produced from the biomass of algal organisms, and

''(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(ii) ALGAL ORGANISM.—The term 'algal organism' means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).

''(iii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.''.

(3) CONFORMING AMENDMENTS.—

(A) Subparagraph (D) of section 40(d)(3) of such Code is amended—

(i) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading,

(ii) by inserting ''or (b)(6)(F)'' after ''(b)(6)(C)'' in clause (ii), and

(iii) by inserting ''or algae-based'' after ''such cellulosic''.

(B) Paragraph (6) of section 40(d) of such Code is amended—

(i) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading, and

(ii) by striking the first sentence and inserting ''No cellulosic and algae-based biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic or algae-based biofuel unless such cellulosic or algae-based biofuel is produced in the United States and used as a fuel in the United States.''

(C) Paragraph (3) of section 40(e) of such Code is amended by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading.

(D) Paragraph (1) of section 4101(a) of such Code is amended—

(i) by inserting ''or algae-based'' after ''cellulosic'', and

(ii) by inserting ''and 40(b)(6)(H), respectively'' after ''section 40(b)(6)(E)''.

(b) SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.—Subsection (l) of section 168 of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''AND ALGAE-BASED'' after ''CELLULOSIC'' in the heading,

(2) by inserting ''and any qualified algae-based biofuel plant property'' after ''qualified cellulosic biofuel plant property'' in paragraph (1),

(3) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively,

(4) by inserting ''or qualified algae-based biofuel plant property'' after ''cellulosic biofuel plant property'' in paragraph (7)(C), as so redesignated,

(5) by striking ''with respect to'' and all that follows in paragraph (9), as so redesignated, and inserting ''with respect to any qualified cellulosic biofuel plant property and any qualified algae-based biofuel plant property which ceases to be such qualified property.'',

(6) by inserting ''or qualified algae-based biofuel plant property'' after ''cellulosic biofuel plant property'' in paragraph (10), as so redesignated, and

(7) by inserting after paragraph (3) the following new paragraphs:

''(4) QUALIFIED ALGAE-BASED BIOFUEL PLANT PROPERTY.—The term 'qualified algae-based biofuel plant property' means property of a character subject to the allowance for depreciation—

''(A) which is used in the United States solely to produce algae-based biofuel,

''(B) the original use of which commences with the taxpayer after the date of the enactment of this paragraph,

''(C) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after the date of the enactment of this paragraph, but only if no written binding contract for the acquisition was in effect on or before such date, and

''(D) which is placed in service by the taxpayer before January 1, 2013.

''(5) ALGAE-BASED BIOFUEL.—

''(A) IN GENERAL.—The term 'algae-based biofuel' means any liquid fuel which is produced from the biomass of algal organisms.

''(B) ALGAL ORGANISM.—The term 'algal organism' means a single- or multi-cellular organism which is primarily aquatic and classified as a non-vascular plant, including microalgae, blue-green algae (cyanobacteria), and macroalgae (seaweeds).''.

(c) EFFECTIVE DATES.—

(1) CELLULOSIC BIOFUEL PRODUCER CREDIT.—The amendments made by subsection (a) shall apply to fuel produced after the date of the enactment of this Act.

(2) SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.—The amendments made by subsection (b) shall apply to property purchased and placed in service after the date of the enactment of this Act.

SA 3381. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BYRD, Mr. ENSIGN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—DC OPPORTUNITY SCHOLARSHIP PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the ''Scholarships for Opportunity and Results Act of 2010'' or the ''SOAR Act''.

SEC. 802. FINDINGS.

Congress finds the following:

(1) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

(2) For many parents in the District of Columbia, public school choice provided under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, as well as under other public school choice programs, is inadequate. More educational options are needed to ensure all families in the District of Columbia have access to a quality education. In particular, funds are needed to provide low-income parents with enhanced public opportunities and private educational environments, regardless of whether such environments are secular or nonsecular.

(3) Public school records raise persistent concerns regarding health and safety problems in District of Columbia public schools. For example, more than half of the District of Columbia's teenage public school students attend schools that meet the District of Columbia's definition of ''persistently dangerous'' due to the number of violent crimes.

(4) While the per student cost for students in the public schools of the District of Columbia is one of the highest in the United States, test scores for such students continue to be among the lowest in the Nation. The National Assessment of Educational Progress (NAEP), an annual report released by the National Center for Education Statistics, reported in its 2007 study that students in the District of Columbia were being outperformed by every State in the Nation. On the 2007 NAEP, 61 percent of fourth grade students scored ''below basic'' in reading, and 51 percent scored ''below basic'' in mathematics. Among eighth grade students, 52 percent scored ''below basic'' in reading and 56 percent scored ''below basic'' in mathematics. On the 2007 NAEP reading assessment, only 14 percent of the District of Columbia fourth grade students could read proficiently, while only 12 percent of the eighth grade students scored at the proficient or advanced level.

(5) In 2003, Congress passed the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126) to provide opportunity scholarships to parents of students in the District of Columbia that could be used by students in kindergarten through grade 12 to attend a private educational institution. The opportunity scholarship program under such Act was part of a comprehensive 3-part funding arrangement that also included additional funds for the District of Columbia public schools, and additional funds for public charter schools of the District of Columbia. The intent of the approach was to ensure that progress would continue to be made to improve public schools and public charter schools, and that funding for the opportunity scholarship program would not lead to a reduction in funding for the District of Columbia public and charter schools. Resources would be available for a variety of educational options that would give families in the District of Columbia a range of choices with regard to the education of their children.

(6) The opportunity scholarship program was established in accordance with the U.S. Supreme Court decision, Zelman v. Simmons-Harris, 536 U.S. 639 (2002), which found that a program enacted for the valid secular purpose of providing educational assistance to low-income children in a demonstrably failing public school system is constitutional if it is neutral with respect to religion and provides assistance to a broad class of citizens who direct government aid to religious and secular schools solely as a result of their genuine and independent private choices.

(7) Since the opportunity scholarship program's inception, it has consistently been oversubscribed. Parents express strong support for the opportunity scholarship program. A rigorous analysis of the program by the Institute of Education Sciences (IES) shows statistically significant improvements in parental satisfaction and in reading scores that are even more dramatic when only those students consistently using the scholarships are considered.

(8) The DC opportunity scholarship program is a program that offers families in need, in the District of Columbia, important alternatives while public schools are improved. It is the sense of Congress that this program should continue as 1 of a 3-part comprehensive funding strategy for the District of Columbia school system that provides new and equal funding for public schools, public charter schools, and opportunity scholarships for students to attend private schools.

SEC. 803. PURPOSE.

The purpose of this title is to provide low-income parents residing in the District of Columbia, particularly parents of students who attend elementary schools or secondary schools identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), with expanded opportunities for enrolling their children in other schools in the District of Columbia, at least until the public schools in the District of Columbia have adequately addressed shortfalls in health, safety, and security and the students in the District of Columbia public schools are testing in mathematics and reading at or above the national average.

SEC. 804. GENERAL AUTHORITY.

(a) AUTHORITY.—From funds appropriated to carry out this title, the Secretary shall award grants on a competitive basis to eligible entities with approved applications under section 805 to carry out activities to provide eligible students with expanded school choice opportunities. The Secretary may award a single grant or multiple grants, depending on the quality of applications submitted and the priorities of this title.

(b) DURATION OF GRANTS.—The Secretary shall make grants under this section for a period of not more than 5 years.

(c) MEMORANDUM OF UNDERSTANDING.—The Secretary and the Mayor of the District of Columbia shall enter into a memorandum of understanding regarding the design of, selection of eligible entities to receive grants under, and implementation of, a program assisted under this title.

(d) SPECIAL RULE.—Notwithstanding any other provision of law, funding appropriated for the opportunity scholarship program under the Omnibus Appropriations Act, 2009 (Public Law 111–8), the District of Columbia Appropriations Act, 2010 (Public Law 111–117), or any other Act, may be used to provide opportunity scholarships under section 807 to new applicants.

SEC. 805. APPLICATIONS.

(a) IN GENERAL.—In order to receive a grant under this title, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—The Secretary may not approve the request of an eligible entity for a grant under this title unless the entity's application includes—

(1) a detailed description of—

(A) how the entity will address the priorities described in section 806;

(B) how the entity will ensure that if more eligible students seek admission in the program than the program can accommodate, eligible students are selected for admission through a random selection process which gives weight to the priorities described in section 806;

(C) how the entity will ensure that if more participating eligible students seek admission to a participating school than the school can accommodate, participating eligible students are selected for admission through a random selection process;

(D) how the entity will notify parents of eligible students of the expanded choice opportunities and how the entity will ensure that parents receive sufficient information about their options to allow the parents to make informed decisions;

(E) the activities that the entity will carry out to provide parents of eligible students with expanded choice opportunities through the awarding of scholarships under section 807(a);

(F) how the entity will determine the amount that will be provided to parents for the tuition, fees, and transportation expenses, if any;

(G) how the entity will—

(i) seek out private elementary schools and secondary schools in the District of Columbia to participate in the program; and

(ii) ensure that participating schools will meet the reporting and other requirements of this title;

(H) how the entity will ensure that participating schools are financially responsible and will use the funds received under this title effectively;

(I) how the entity will address the renewal of scholarships to participating eligible students, including continued eligibility; and

(J) how the entity will ensure that a majority of its voting board members or governing organization are residents of the District of Columbia;

(2) an assurance that the entity will comply with all requests regarding any evaluation carried out under section 809; and

(3) an assurance that site inspections of participating schools will be conducted at appropriate intervals.

SEC. 806. PRIORITIES.

In awarding grants under this title, the Secretary shall give priority to applications from eligible entities that will most effectively—

(1) give priority to eligible students who, in the school year preceding the school year for which the eligible student is seeking a scholarship, attended an elementary school or secondary school identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316);

(2) give priority to students whose household includes a sibling or other child who is already participating in the program of the eligible entity under this title, regardless of whether such students have, in the past, been assigned as members of a control study group for the purposes of an evaluation under section 809;

(3) target resources to students and families that lack the financial resources to take advantage of available educational options; and

(4) provide students and families with the widest range of educational options.

SEC. 807. USE OF FUNDS.

(a) SCHOLARSHIPS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity receiving a grant under this title shall use the grant funds to provide eligible students with scholarships to pay the tuition, fees, and transportation expenses, if any, to enable the eligible students to attend the District of Columbia private elementary school or secondary school of their choice beginning in school year 2010–2011. Each such eligible entity shall ensure that the amount of any tuition or fees charged by a school participating in such eligible entity's program under this title to an eligible student participating in the program does not exceed the amount of tuition or fees that the school charges to students who do not participate in the program.

(2) PAYMENTS TO PARENTS.—An eligible entity receiving a grant under this title shall make scholarship payments under the program under this title to the parent of the eligible student participating in the program, in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses (if any), in accordance with this title.

(3) AMOUNT OF ASSISTANCE.—

(A) VARYING AMOUNTS PERMITTED.—Subject to the other requirements of this section, an eligible entity receiving a grant under this title may award scholarships in larger amounts to those eligible students with the greatest need.

(B) ANNUAL LIMIT ON AMOUNT.—

(i) LIMIT FOR SCHOOL YEAR 2010–2011.—The amount of assistance provided to any eligible student by an eligible entity under a program under this title for school year 2010–2011 may not exceed—

(I) $9,000 for attendance in kindergarten through grade 8; and

(II) $11,000 for attendance in grades 9 through 12.

(ii) CUMULATIVE INFLATION ADJUSTMENT.—The limits described in clause (i) shall apply for each school year following school year 2010–2011, except that the Secretary shall adjust the maximum amounts of assistance (as described in clause (i) and adjusted under this clause for the preceding year) for inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

(4) PARTICIPATING SCHOOL REQUIREMENTS.—None of the funds provided under this title for opportunity scholarships may be used by an eligible student to enroll in a participating private school unless the participating school—

(A) has and maintains a valid certificate of occupancy issued by the District of Columbia;

(B) makes readily available to all prospective students information on its school accreditation;

(C) in the case of a school that has been operating for 5 years or less, submits to the eligible entity administering the program proof of adequate financial resources reflecting the financial sustainability of the school and the school's ability to be in operation through the school year;

(D) has financial systems, controls, policies, and procedures to ensure that Federal funds are used according to this title;

(E) ensures that each teacher of core subject matter in the school has a baccalaureate degree or equivalent degree; and

(F) is in compliance with the accreditation and other standards prescribed under the District of Colombia compulsory school attendance laws that apply to educational institutions not affiliated with the District of Columbia Public Schools.

(b) ADMINISTRATIVE EXPENSES.—An eligible entity receiving a grant under this title may use not more than 3 percent of the amount provided under the grant each year for the administrative expenses of carrying out its program under this title during the year, including—

(1) determining the eligibility of students to participate;

(2) selecting eligible students to receive scholarships;

(3) determining the amount of scholarships and issuing the scholarships to eligible students; and

(4) compiling and maintaining financial and programmatic records.

(c) PARENTAL ASSISTANCE.—An eligible entity receiving a grant under this title may use not more than 2 percent of the amount provided under the grant each year for the expenses of educating parents about the program under this title and assisting parents through the application process under this title during the year, including—

(1) providing information about the program and the participating schools to parents of eligible students;

(2) providing funds to assist parents of students in meeting expenses that might otherwise preclude the participation of eligible students in the program; and

(3) streamlining the application process for parents.

(d) STUDENT ACADEMIC ASSISTANCE.—An eligible entity receiving a grant under this title may use not more than 1 percent of the amount provided under the grant each year for expenses to provide tutoring services to participating eligible students that need additional academic assistance in the students' new schools. If there are insufficient funds to pay for these costs for all such students, the eligible entity shall give priority to students who previously attended an elementary school or secondary school that was identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) as of the time the student attended the school.

SEC. 808. NONDISCRIMINATION.

(a) IN GENERAL.—An eligible entity or a school participating in any program under this title shall not discriminate against program participants or applicants on the basis of race, color, national origin, religion, or sex.

(b) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in subsection (a) shall not apply to a participating school that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of subsection (a) is inconsistent with the religious tenets or beliefs of the school.

(2) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding subsection (a) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) APPLICABILITY.—For purposes of this title, the provisions of section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) shall apply to this title as if section 909 of the Education Amendments of 1972 (20 U.S.C. 1688) were part of this title.

(c) CHILDREN WITH DISABILITIES.—Nothing in this title may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) RELIGIOUSLY AFFILIATED SCHOOLS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a school participating in any program under this title that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1 et seq.), including the exemptions in such title.

(2) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this title to eligible students, which are used at a participating school as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the participating school's teaching mission, require any participating school to remove religious art, icons, scriptures, or other symbols, or preclude any participating school from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references in its mission statements and other chartering or governing documents.

(e) RULE OF CONSTRUCTION.—A scholarship (or any other form of support provided to parents of eligible students) under this title shall be considered assistance to the student and shall not be considered assistance to the school that enrolls the eligible student. The amount of any scholarship (or other form of support provided to parents of an eligible student) under this title shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 809. EVALUATIONS.

(a) IN GENERAL.—

(1) DUTIES OF THE SECRETARY AND THE MAYOR.—The Secretary and the Mayor of the District of Columbia shall—

(A) jointly enter into an agreement with the Institute of Education Sciences of the Department of Education to evaluate annually the performance of students who received scholarships under the 5-year program under this title, and

(B) make the evaluations public in accordance with subsection (c).

(2) DUTIES OF THE SECRETARY.—The Secretary, through a grant, contract, or cooperative agreement, shall—

(A) ensure that the evaluation is conducted using the strongest possible research design for determining the effectiveness of the program funded under this title that addresses the issues described in paragraph (4); and

(B) disseminate information on the impact of the program in increasing the academic growth and achievement of participating students, and on the impact of the program on students and schools in the District of Columbia.

(3) DUTIES OF THE INSTITUTE OF EDUCATION SCIENCES.—The Institute of Education Sciences shall—

(A) use a grade appropriate measurement each school year to assess participating eligible students;

(B) measure the academic achievement of all participating eligible students; and

(C) work with the eligible entities to ensure that the parents of each student who applies for a scholarship under this title (regardless of whether the student receives the scholarship) and the parents of each student participating in the scholarship program under this title, agree that the student will participate in the measurements given annually by the Institute of Educational Sciences for the period for which the student applied for or received the scholarship, respectively, except that nothing in this subparagraph shall affect a student's priority for an opportunity scholarship as provided under section 806(2).

(4) ISSUES TO BE EVALUATED.—The issues to be evaluated include the following:

(A) A comparison of the academic growth and achievement of participating eligible

students in the measurements described in this section to the academic growth and achievement of—

(i) students in the same grades in the District of Columbia public schools; and

(ii) the eligible students in the same grades in the District of Columbia public schools who sought to participate in the scholarship program but were not selected.

(B) The success of the program in expanding choice options for parents.

(C) The reasons parents choose for their children to participate in the program.

(D) A comparison of the retention rates, dropout rates, and (if appropriate) graduation and college admission rates, of students who participate in the program funded under this title with the retention rates, dropout rates, and (if appropriate) graduation and college admission rates of students of similar backgrounds who do not participate in such program.

(E) The impact of the program on students, and public elementary schools and secondary schools, in the District of Columbia.

(F) A comparison of the safety of the schools attended by students who participate in the program funded under this title and the schools attended by students who do not participate in the program, based on the perceptions of the students and parents and on objective measures of safety.

(G) Such other issues as the Secretary considers appropriate for inclusion in the evaluation.

(H) An analysis of the issues described in subparagraphs (A) through (G) with respect to the subgroup of eligible students participating in the program funded under this title who consistently use the opportunity scholarships to attend a participating school.

(I) An assessment of the academic value added by participating schools on a school-by-school basis based on test results from participating eligible students using the same test as is administered to students attending District of Columbia public schools, except that if the evaluator is able certify that other means are available to compare results from the test administrated in District of Columbia public schools to the nationally normed test used at the participating school, such nationally normed test may be used. Such assessment shall be based on the strongest possible research design and shall, to the extent possible, test students under conditions that yield scientifically valid results. Such assessment shall also provide, to the extent possible, a scientifically valid analysis of how such schools provide academic value added as compared to public schools in the District of Columbia. The results of the assessment shall be supplied to parents and included in all reports to Congress so as to ensure that Federal dollars used for the purposes of the program are positively impacting the achievement levels of student participants.

(5) PROHIBITION.—Personally identifiable information regarding the results of the measurements used for the evaluations may not be disclosed, except to the parents of the student to whom the information relates.

(b) REPORTS.—The Secretary shall submit to the Committees on Appropriations, Education and Labor, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate—

(1) annual interim reports, not later than December 1 of each year for which a grant is made under this title, on the progress and preliminary results of the evaluation of the program funded under this title; and

(2) a final report, not later than 1 year after the final year for which a grant is made under this title, on the results of the evaluation of the program funded under this title.

(c) PUBLIC AVAILABILITY.—All reports and underlying data gathered pursuant to this section shall be made available to the public upon request, in a timely manner following submission of the applicable report under subsection (b), except that personally identifiable information shall not be disclosed or made available to the public.

(d) LIMIT ON AMOUNT EXPENDED.—The amount expended by the Secretary to carry out this section for any fiscal year may not exceed 5 percent of the total amount appropriated to carry out this title for the fiscal year.

SEC. 810. REPORTING REQUIREMENTS.

(a) ACTIVITIES REPORTS.—Each eligible entity receiving funds under this title during a year shall submit a report to the Secretary not later than July 30 of the following year regarding the activities carried out with the funds during the preceding year.

(b) ACHIEVEMENT REPORTS.—

(1) IN GENERAL.—In addition to the reports required under subsection (a), each grantee receiving funds under this title shall, not later than September 1 of the year during which the second academic year of the grantee's program is completed and each of the next 2 years thereafter, submit to the Secretary a report, including any pertinent data collected in the preceding 2 academic years, concerning—

(A) the academic growth and achievement of students participating in the program;

(B) the graduation and college admission rates of students who participate in the program, where appropriate; and

(C) parental satisfaction with the program.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information.

(c) REPORTS TO PARENT.—

(1) IN GENERAL.—Each grantee receiving funds under this title shall ensure that each school participating in the grantee's program under this title during a year reports at least once during the year to the parents of each of the school's students who are participating in the program on—

(A) the student's academic achievement, as measured by a comparison with the aggregate academic achievement of other participating students at the student's school in the same grade or level, as appropriate, and the aggregate academic achievement of the student's peers at the student's school in the same grade or level, as appropriate; and

(B) the safety of the school, including the incidence of school violence, student suspensions, and student expulsions.

(2) PROHIBITING DISCLOSURE OF PERSONAL INFORMATION.—No report under this subsection may contain any personally identifiable information, except as to the student who is the subject of the report to that student's parent.

(d) REPORT TO CONGRESS.—The Secretary shall submit to the Committees on Appropriations, Education and the Workforce, and Oversight and Government Reform of the House of Representatives and the Committees on Appropriations, Health, Education, Labor, and Pensions, and Homeland Security and Governmental Affairs of the Senate an annual report on the findings of the reports submitted under subsections (a) and (b).

SEC. 811. OTHER REQUIREMENTS FOR PARTICIPATING SCHOOLS.

(a) TESTING.—Students participating in a program under this title shall take a nationally norm-referenced standardized test in reading and mathematics. Results of such test shall be reported to the student's parent and the Institute of Education Sciences. To preserve confidentiality, at no time should results for individual students or schools be released to the public.

(b) REQUESTS FOR DATA AND INFORMATION.—Each school participating in a program funded under this title shall comply with all requests for data and information regarding evaluations conducted under section 809(a).

(c) RULES OF CONDUCT AND OTHER SCHOOL POLICIES.—A participating school, including a participating school described in section 808(d), may require eligible students to abide by any rules of conduct and other requirements applicable to all other students at the school.

SEC. 812. DEFINITIONS.

In this title:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' means an institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under District of Columbia law.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) A nonprofit organization.

(B) A consortium of nonprofit organizations.

(3) ELIGIBLE STUDENT.—The term ''eligible student'' means a student who is a resident of the District of Columbia and comes from a household—

(A) receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(B) whose income does not exceed—

(i) 185 percent of the poverty line;

(ii) in the case of a student in a household that had a student participating in a program under this title for the preceding school year, 250 percent of the poverty line; or

(iii) in the case of a student in a household that had a student participating in a program under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126) on or before the date of enactment of this title, 300 percent of the poverty line.

(4) PARENT.—The term ''parent'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) SECONDARY SCHOOL.—The term ''secondary school'' means an institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under District of Columbia law, except that the term does not include any education beyond grade 12.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 813. TRANSITION PROVISIONS.

(a) REPEAL; SUNSET OF OTHER PROVISIONS.—

(1) REPEAL.—The DC School Choice Incentive Act of 2003 (title III of division C of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126)) is repealed.

(2) SUNSET OF OTHER PROVISIONS.—Notwithstanding any other provision of law, all of the provisos under the heading ''FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT'' under the District of Columbia Appropriations Act, 2010 (Public Law 111–117), shall cease to have effect on and after the date of enactment of this Act.

(b) REAUTHORIZATION OF PROGRAM.—This title shall be deemed to be the reauthorization of the opportunity scholarship program under the DC School Choice Incentive Act of 2003.

(c) ORDERLY TRANSITION.—Subject to subsections (d) and (e), the Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this title from any authority under the provisions of the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title.

(d) RULE OF CONSTRUCTION.—Nothing in this title or a repeal made by this title shall be construed to alter or affect the memorandum of understanding entered into with the District of Columbia, or any grant or contract awarded, under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title.

(e) MULTI-YEAR AWARDS.—The recipient of a multi-year grant or contract award under the DC School Choice Incentive Act of 2003 (Public Law 108–199; 118 Stat. 126), as the DC School Choice Incentive Act of 2003 was in effect on the day before the date of enactment of this title, shall continue to receive funds in accordance with the terms and conditions of such award.

SEC. 814. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to carry out this title, $20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years;

(2) for the District of Columbia public schools, in addition to any other amounts available for District of Columbia public schools, $20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years; and

(3) for District of Columbia public charter schools, in addition to any other amounts available for District of Columbia public charter schools, $20,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SA 3382. Ms. STABENOW (for herself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means with respect to any taxable year beginning in 2010, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

''(B) INTERIM ELECTIONS.—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, any corporation's allocable share of any new domestic investments by a partnership more than 90 percent of the capital and profits interest in which is owned by such corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect shall be considered new domestic investments of such corporation for such taxable year.

''(7) NO DOUBLE BENEFIT.—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

''(9) TERMINATION.—This subsection shall not apply to any taxable year that begins after December 31, 2010.''.

(b) QUICK REFUND OF REFUNDABLE CREDIT.—Section 6425 is amended by adding at the end the following new subsection:

''(e) ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation's AMT credit adjustment amount determined under section 53(g) for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services, if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SA 3383. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

SEC. 186. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110-343; 122 Stat. 3913, 3919) are each amended by striking''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

SA 3384. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 6___. ENERGY EFFICIENCY LOAN GUARANTEES.

Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.''.

SA 3385. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. EXTENSION OF TIME TO MEET CRITERIA FOR CERTIFICATION FOR QUALIFYING ADVANCED COAL PROJECT CREDIT.

(a) IN GENERAL.—Subparagraph (D) of section 48A(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''The Secretary may extend the 2-year period in the preceding sentence if the Secretary determines that a failure to meet such criteria is due to circumstances beyond the control of the applicant, except that the Secretary may not extend such time period later than December 31, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applications submitted after the date which is 3 years before the date of the enactment of this Act.

SA 3386. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION ____—TRADE ENFORCEMENT PRIORITIES

SEC. ___01. SHORT TITLE.

This division may be cited as the ''Trade Enforcement Priorities Act''.

SEC. ___02. IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.

(a) IN GENERAL.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

''SEC. 310. IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.

''(a) IDENTIFICATION AND ANNUAL REPORT.—Not later than 75 days after the date that the National Trade Estimate under section 181(b) is required to be submitted each calendar year, the United States Trade Representative shall—

''(1) identify the trade enforcement priorities of the United States;

''(2) identify trade enforcement actions that the United States has taken during the previous year and provide an assessment of the impact those enforcement actions have had in addressing foreign trade barriers;

''(3) identify the priority foreign country trade practices on which the Trade Representative will focus the trade enforcement efforts of the United States during the upcoming year; and

''(4) submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and publish in the Federal Register a report on the priorities, actions, assessments, and practices identified in paragraphs (1), (2), and (3).

''(b) FACTORS TO CONSIDER.—In identifying priority foreign country trade practices under subsection (a)(3), the Trade Representative shall—

''(1) focus on those practices the elimination of which is likely to have the most significant potential to increase United States economic growth; and

''(2) concentrate on United States trading partners—

''(A) that represent the largest trade deficit in dollar value with the United States, excluding petroleum and petroleum products;

''(B) whose practices have the most negative impact on maintaining and creating United States jobs, wages, and productive capacity; and

''(C) whose practices limit market access for United States goods and services; and

''(3) take into account all relevant factors, including—

''(A) the major barriers and trade distorting practices described in the most recent National Trade Estimate required under section 181(b);

''(B) the findings and practices described in the most recent report required under—

''(i) section 182;

''(ii) section 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3106);

''(iii) section 3005 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5305); and

''(iv) section 421 of the U.S.-China Relations Act of 2000 (22 U.S.C. 6951);

''(C) the findings and practices described in any other report addressing international trade and investment barriers prepared by the Trade Representative, the Department of Commerce, the Department of Labor, the Department of Agriculture, and the Department of State, or any other agency or congressional commission during the 12 months preceding the date on which the report described in subsection (a)(4) is required to be submitted;

''(D) a foreign country's compliance with its obligations under any trade agreements to which both the foreign country and the United States are parties;

''(E) a foreign country's compliance with its obligations under internationally recognized sanitary and phytosanitary standards;

''(F) the international competitive position and export potential of United States products and services; and

''(G) the enforcement of customs laws relating to anticircumvention and transshipment.

''(c) CONSULTATION.—

''(1) IN GENERAL.—Not later than 90 days after the date that the National Trade Estimate under section 181(b) is required to be submitted, the Trade Representative shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the priorities, actions, assessments, and practices required to be identified in the report under subsection (a).

''(2) VOTE OF COMMITTEE.—If, as a result of the consultations described in paragraph (1), either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives requests identification of a priority foreign country trade practice by majority vote of the Committee, the Trade Representative shall include such identification in the report required under subsection (a).

''(3) DETERMINATION NOT TO INCLUDE PRIORITY FOREIGN COUNTRY TRADE PRACTICES.—The Trade Representative may determine not to include the priority foreign country trade practice requested under paragraph (2) in the report required under subsection (a) only if the Trade Representative finds that—

''(A) such practice is already being addressed under provisions of United States trade law, under the Uruguay Round Agreements (as defined in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7))), under a bilateral or regional trade agreement, or as part of trade negotiations with that foreign country or other countries, and progress is being made toward the elimination of such practice; or

''(B) identification of such practice as a priority foreign country trade practice would be contrary to the interests of United States trade policy.

''(4) REASONS FOR DETERMINATION.—In the case of a determination made pursuant to paragraph (3), the Trade Representative shall set forth in detail the reasons for that determination in the report required under subsection (a).

''(5) REPORT TO BE PUBLICLY AVAILABLE.—The Trade Representative shall publish the report required under subsection (a) in the Federal Register.

''(d) INVESTIGATION AND RESOLUTION.—

''(1) IN GENERAL.—Not later than 120 days after the report required under subsection (a) is submitted, the Trade Representative shall engage in negotiations with the country concerned in accordance with paragraph (2) or (3), as the case may be, to resolve the practices identified in the report.

''(2) ACTIONS WITH RESPECT TO PRACTICES OF MEMBERS OF THE WORLD TRADE ORGANIZATION OR COUNTRIES WITH WHICH THE UNITED STATES HAS A TRADE AGREEMENT IN EFFECT.—In the case of any priority foreign country trade practice identified under subsection (a) of a country that is a member of the World Trade Organization or a country with which the United States has a bilateral or regional trade agreement in effect, the Trade Representative shall, not later than 120 days after the date that the report described in subsection (a) is submitted—

''(A)(i) initiate dispute settlement consultations in the World Trade Organization; or

''(ii) initiate dispute settlement consultations under the applicable provisions of the bilateral or regional trade agreement;

''(B) seek to negotiate an agreement that provides for the elimination of the priority foreign country trade practice or, if elimination of the practice is not feasible, an agreement that provides for compensatory trade benefits; or

''(C) take any other action necessary to facilitate the elimination of the priority foreign country trade practice.

''(3) ACTIONS WITH RESPECT TO PRACTICES OF OTHER COUNTRIES.—In the case of any priority foreign country trade practice identified under subsection (a) of a country that is not described in paragraph (2), the Trade Representative shall, not later than 120 days after the report described in subsection (a) is submitted—

''(A) initiate an investigation under section 302(b)(1);

''(B) seek to negotiate an agreement that provides for the elimination of the priority foreign country trade practice or, if elimination of the practice is not feasible, an agreement that provides for compensatory trade benefits; or

''(C) take any other action necessary to eliminate the priority foreign country trade practice.

''(e) ADDITIONAL REPORTING.—

''(1) REPORT BY TRADE REPRESENTATIVE.—Not later than 180 days after the date of the enactment of this section, and every 180 days thereafter, the Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the progress being made to realize the trade enforcement priorities identified in subsection (a)(1) and the steps being taken to address the priority foreign country trade practices identified in subsection (a)(3).

''(2) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 2 years after the date of the enactment of this section, and every 2 years thereafter, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing the actions taken by the Trade Representative to realize the trade enforcement priorities identified in subsection (a)(1) and the steps being taken to address the priority foreign country trade practices identified in subsection (a)(3).''.

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 310, and inserting the following new item:

''Sec. 310. Identification of trade enforcement priorities.''.

SA 3387. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 18, before the comma insert ''and section 8 of the Temporary Extension Act of 2010''.

On page 73, line 21, after the second period insert the following: ''The amendment made

by this section shall be considered to have taken effect on February 28, 2010.''.

SA 3388. Mr. BURRIS submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENHANCED OVERSIGHT OF STATE AND LOCAL ECONOMIC RECOVERY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Enhanced Oversight of State and Local Economic Recovery Act''.

(b) REQUIREMENTS FOR FUNDING FOR STATE AND LOCAL OVERSIGHT UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—

(1) FEDERAL AGENCY REQUIREMENT.—Section 1552 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 297) is amended—

(A) by inserting ''(a) FEDERAL AGENCY REQUIREMENT.—'' before ''Federal agencies receiving'';

(B) by striking ''may,'' and all that follows through ''reasonably'' and inserting ''shall, subject to guidance from the Director of the Office of Management and Budget,''; and

(C) by striking ''data collection requirements'' and inserting ''data collection requirements, auditing, contract and grant planning and management, and investigations of waste, fraud, and abuse''.

(2) STATE AND LOCAL GOVERNMENT AUTHORITY.—Section 1552 of that Act is further amended by adding at the end the following:

''(b) STATE AND LOCAL GOVERNMENT AUTHORITY.—Notwithstanding any other provision of law, State and local governments receiving funds under this Act may set aside an amount up to 0.5 percent of such funds, in addition to any funds already allocated to administrative expenditures, to conduct planning and oversight to prevent and detect waste, fraud, and abuse.''.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 1552 of that Act is amended to read as follows:

''SEC. 1552. FUNDING FOR STATE AND LOCAL GOVERNMENT OVERSIGHT.''.

(c) AUTHORIZATION FOR ACQUISITION BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES.—Section 502 of title 40, United States Code, is amended by adding at the end the following:

''(e) USE OF SUPPLY SCHEDULES FOR ECONOMIC RECOVERY.—

''(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration for goods or services that are funded by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

''(2) VOLUNTARY USE.—In the case of the use by a State or local government of a Federal supply schedule under paragraph (1), participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

''(3) PROVISIONS TO ENSURE PROPER USAGE BY NON-FEDERAL USERS.—The Administrator shall, for authorized non-Federal users of Federal Supply Schedules—

''(A) review the existing ordering guidance and, as necessary, prescribe additional guidance to ensure proper usage and to maximize task and delivery order competition;

''(B) make available the online electronic Request for Quote (RFQ)/Request for Proposal (RFP) system; and

''(C) make available, free of charge, training related to proper Schedule usage, including online training courses.

''(4) DEFINITIONS.—The definitions in subsection (c)(3) shall apply for purposes of this subsection.''.

(d) DEFINITION OF JOBS CREATED AND JOBS RETAINED.—Section 1512(g) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 288) is amended by adding at the end ''The Director of the Office of Management and Budget shall issue guidance to ensure accurate and consistent reporting of 'jobs created' and 'jobs retained' as those terms are used in subsection (c)(3)(D).''.

(e) FEDERAL AWARDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note; Public Law 109–282) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) ADDITIONAL WEBSITE CONTENT.—Not later than 30 days after the date of enactment of the Enhanced Oversight of State and Local Economic Recovery Act, the Office of Management and Budget shall ensure that the website under this subsection—

''(A) clearly differentiates between projects funded under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and other Federal awards; and

''(B) provides users with the ability to perform searches for information in the website relating only to Federal awards funded by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).''; and

(2) by adding after subsection (g) the following:

''(h) WEBLINK.—The website Recovery.gov established under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) shall contain a prominently displayed weblink on its front page to the website under this section.''.

SA 3389. Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. STATE AND LOCAL SALES TAX RELIEF FOR CONSUMERS.

(a) IN GENERAL.—The Secretary shall reimburse each State for 75 percent of the amount of State and local sales tax payable and not collected during the sales tax holiday period.

(b) DETERMINATION AND TIMING OF REIMBURSEMENT.—

(1) PREDETERMINED AMOUNT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall pay to each State an amount equal to the sum of—

(A)(i) 75 percent of the amount of State and local sales tax payable and collected in such State during the same period in 2009 as the sales tax holiday period, times

(ii) an acceleration factor equal to 1.73, plus

(B) an amount equal to 1 percent of the amount determined under subparagraph (A) for State administrative costs.

(2) RECONCILIATION AMOUNT.—Not later than July 1, 2010, the Secretary shall pay to each electing State under subsection (c)(2) an amount equal to the excess (if any) of—

(A) 75 percent of the amount of State and local sales tax payable and not collected in such State during the sales tax holiday period, over

(B) the amount determined under paragraph (1)(A) and paid to such State.

(c) REQUIREMENT FOR REIMBURSEMENT.—The Secretary may not pay a reimbursement under this section unless—

(1) the chief executive officer of the State informs the Secretary, not later than the first day of the sales tax holiday period of the intention of the State to qualify for such reimbursement by not collecting sales tax payable during the sales tax holiday period,

(2) in the case of a State which elects to receive the reimbursement of a reconciliation amount under subsection (b)(2)—

(A) the chief executive officer of the State informs the Secretary and the Director of Management and Budget and the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election,

(B) the chief executive officer of the State informs the retail sellers of tangible property in such State, not later than the first day of the sales tax holiday period of the intention of the State to make such an election and the additional information (if any) that will be required as an addendum to the standard reports required of such retail sellers with respect to the reporting periods including the sales tax holiday period,

(C) the chief executive officer reports to the Secretary and the Director of Management and Budget, not later than June 1, 2010, the amount determined under subsection (b)(2) in a manner specified by the Secretary,

(D) if amount determined under subsection (b)(1)(A) and paid to such State exceeds the amount determined under subsection (b)(2)(A), the chief executive officer agrees to remit to the Secretary such excess not later than July 1, 2010, and

(E) the chief executive officer of the State certifies that such State—

(i) in the case of any retail seller unable to identify and report sales which would otherwise be taxable during the sales tax holiday period, shall treat the reporting by such seller of sales revenue during such period, multiplied by the ratio of taxable sales to total sales for the same period in 2010 as the sales tax holiday period, as a good faith effort to comply with the requirements under subparagraph (B), and

(ii) shall not treat any such retail seller of tangible property who has made such a good faith effort liable for any error made as a result of such effort to comply unless it is shown that the retailer acted recklessly or fraudulently,

(3) in the case of any home rule State, the chief executive officer of such State certifies that all local governments that impose sales taxes in such State agree to provide a sales tax holiday during the sales tax holiday period,

(4) the chief executive officer of the State agrees to pay each local government's share of the reimbursement (as determined under subsection (d)) not later than 20 days after receipt of such reimbursement, and

(5) in the case of not more than 20 percent of the States which elect to receive the reimbursement of a reconciliation amount under subsection (b)(2), the Director of Management and Budget certifies the amount of the reimbursement required under subsection (b)(2) based on the reports by the chief executive officers of such States under paragraph (2)(C).

(d) DETERMINATION OF REIMBURSEMENT OF LOCAL SALES TAXES.—For purposes of subsection (c)(4), a local government's share of

the reimbursement to a State under this section shall be based on the ratio of the local sales tax to the State sales tax for such State for the same time period taken into account in determining such reimbursement, based on data published by the Bureau of the Census.

(e) DEFINITIONS.—For purposes of this section—

(1) HOME RULE STATE.—The term ''home rule State'' means a State that does not control imposition and administration of local taxes.

(2) LOCAL.—The term ''local'' means a city, county, or other subordinate revenue or taxing authority within a State.

(3) SALES TAX.—The term ''sales tax'' means—

(A) a tax imposed on or measured by general retail sales of taxable tangible property, or services performed incidental to the sale of taxable tangible property, that is—

(i) calculated as a percentage of the price, gross receipts, or gross proceeds, and

(ii) can or is required to be directly collected by retail sellers from purchasers of such property,

(B) a use tax, or

(C) the Illinois Retailers' Occupation Tax, as defined under the law of the State of Illinois, but excludes any tax payable with respect to food and beverages sold for immediate consumption on the premises, beverages containing alcohol, and tobacco products.

(4) SALES TAX HOLIDAY PERIOD.—The term ''sales tax holiday period'' means the period—

(A) beginning on the first Friday which is 30 days after the date of the enactment of this Act, and

(B) ending on the date which is 10 days after the date described in subparagraph (A).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) STATE.—The term ''State'' means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

(7) USE TAX.—The term ''use tax'' means a tax imposed on the storage, use, or other consumption of tangible property that is not subject to sales tax.

SEC. _____. RESCISSION OF DISCRETIONARY AMOUNTS APPROPRIATED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) IN GENERAL.—All discretionary amounts made available by the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; Public Law No: 111-5) that are unobligated on the date of the enactment of this Act are hereby rescinded.

(b) ADMINISTRATION.—Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) administer the reduction specified in subsection (a); and

(2) submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report specifying the account and the amount of each reduction made pursuant to subsection (a).

SA 3390. Mr. BURR proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. EXTENSION AND MODIFICATION OF CERTAIN ECONOMIC RECOVERY PAYMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Senior Citizens Relief Act of 2010''.

(b) EXTENSION AND MODIFICATION OF PAYMENTS.—Section 2201 of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) in subsection (a)(1)(A)—

(A) by inserting ''for each of calendar years 2009 and 2010'' after ''shall disburse'',

(B) by inserting ''(for purposes of payments made for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made for calendar year 2010)'' after ''the date of the enactment of this Act'', and

(C) by adding at the end the following new sentence: ''In the case of an individual who is eligible for a payment under the preceding sentence by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual for calendar year 2010 unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010.'',

(2) in subsection (a)(1)(B)(iii), by inserting ''(for purposes of payments made under this paragraph for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made under this paragraph for calendar year 2010)'' before the period at the end,

(3) in subsection (a)(2)—

(A) by inserting '', or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address'' after ''Northern Mariana Islands'', and

(B) by striking ''current address of record'' and inserting ''address of record, as of the date of certification under subsection (b) for a payment under this section'',

(4) in subsection (a)(3)—

(A) by inserting ''per calendar year (determined with respect to the calendar year for which the payment is made, and without regard to the date such payment is actually paid to such individual)'' after ''only 1 payment under this section'', and

(B) by inserting ''FOR THE SAME YEAR'' after ''PAYMENTS'' in the heading thereof,

(5) in subsection (a)(4)—

(A) by inserting ''(or, in the case of subparagraph (D), shall not be due)'' after ''made'' in the matter preceding subparagraph (A),

(B) by striking subparagraph (A) and inserting the following:

''(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

''(i) for the most recent month of such individual's entitlement in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a-8a);'',

(C) in subparagraph (B), by striking ''3 month period'' and inserting ''applicable 3-month period'',

(D) by striking subparagraph (C) and inserting the following:

''(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

''(i) for the most recent month of such individual's eligibility in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a-8a); or'',

(E) by striking subparagraph (D) and inserting the following:

''(D) in the case of any individual whose date of death occurs—

''(i) before the date of the receipt of the payment; or

''(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual's account.'',

(F) by adding at the end the following flush sentence:

''In the case of any individual whose date of death occurs before a payment is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person.'', and

(G) by adding at the end, as amended by subparagraph (F), the following new sentence: ''Subparagraphs (A)(ii) and (C)(ii) shall apply only in the case of certifications under subsection (b) which are, or but for this paragraph would be, made after the date of the enactment of Emergency Senior Citizens Relief Act of 2010, and shall apply to such certifications without regard to the calendar year of the payments to which such certifications apply.''.

(6) in subsection (a)(5)—

(A) by inserting '', in the case of payments for calendar year 2009, and no later than 120 days after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, in the case of payments for calendar year 2010'' before the period at the end of the first sentence of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

''(B) DEADLINE.—No payment for calendar year 2009 shall be disbursed under this section after December 31, 2010, and no payment for calendar year 2010 shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitlement to, or eligibility for, such payment made after whichever of such dates is applicable to such payment.'',

(7) in subsection (b), by inserting ''(except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (A), (B), (C), or (D) of subsection (a)(4) during a period described in such subparagraphs), and no individual shall be certified to receive a payment under this section for a calendar year if such individual has at any time been denied certification for such a payment for such calendar year by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial)'' before the period at the end of the last sentence,

(8) in subsection (c), by striking paragraph (4) and inserting the following:

''(4) PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.—Notwithstanding paragraph (3), any payment made under this section—

''(A) shall, in the case of a payment by direct deposit which is made after the date of

the enactment of the Emergency Senior Citizens Relief Act of 2010, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

''(B) shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset under such section 3716 to collect delinquent debts.'',

(9) in subsection (e)—

(A) by striking ''2011'' and inserting ''2012'',

(B) by inserting ''section _____(c) of the Emergency Senior Citizens Relief Act of 2010,'' after ''section 2202,'' in paragraph (1), and

(C) by adding at the following new paragraph:

''(5)(A) For the Secretary of the Treasury, an additional $5,200,000 for purposes described in paragraph (1).

''(B) For the Commissioner of Social Security, an additional $5,000,000 for the purposes described in paragraph (2)(B).

''(C) For the Railroad Retirement Board, an additional $600,000 for the purposes described in paragraph (3)(B).

''(D) For the Secretary of Veterans Affairs, an additional $625,000 for the Information Systems Technology account''.

(c) EXTENSION OF SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.—

(1) IN GENERAL.—In the case of an eligible individual (as defined in section 2202(b) of the American Recovery and Reinvestment Tax Act of 2009, applied by substituting ''2010'' for ''2009''), with respect to the first taxable year of such individual beginning in 2010, section 2202 of the American Recovery and Reinvestment Tax Act of 2009 shall be applied by substituting ''2010'' for ''2009'' each place it appears.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 36A of the Internal Revenue Code of 1986 is amended by inserting '', and any credit allowed to the taxpayer under section _____(c)(1) of the Emergency Senior Citizens Relief Act of 2010'' after ''the American Recovery and Reinvestment Tax Act of 2009''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICATION OF RULE RELATING TO DECEASED INDIVIDUALS.—The amendment made by subsection (a)(5)(F) shall take effect as if included in section 2201 of the American Recovery and Reinvestment Tax Act of 2009.

(e) EMERGENCY DESIGNATION.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (P.L. 111-139), and designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(f) USE OF STIMULUS FUNDS TO OFFSET SPENDING.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals $14,361,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, subsections (b) and (c) of this section. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 3391. Mr. BROWN of Massachusetts proposed an amendment to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 103. EMPLOYEE PAYROLL TAX RATE CUT.

(a) IN GENERAL.—For the 6-calendar-month period beginning after the date which is 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall reduce the rate of tax under section 3101(a) of the Internal Revenue Code of 1986 and 50 percent of the rate of tax under section 1401(a) of such Code by such percentage such that the resulting reduction in revenues to the Federal Old-Age and Survivors Insurance Trust Fund is equal to 90 percent of the amounts appropriated or made available and remaining unobligated under division A of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5) (other than under title X of such division A) as of the date of the enactment of this Act.

(b) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(c) RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A of such Act (other than under title X of such division A), there is rescinded 100 percent of the remaining unobligated amounts as of the date of the enactment of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

(d) EMERGENCY DESIGNATION.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, this section is designated as an emergency for purposes of pay-as-you-go principles.

SA 3392. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 7 through 16 and insert the following:

SEC. 131. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Section 41 is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

(d) TRANSFER OF STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the sum of the amount of any net reduction in revenues resulting from the amendments made by this section.

SA 3393. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 19 and 20, insert the following:

SEC. _____. ENCOURAGEMENT OF CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES BY NATIVE CORPORATIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) QUALIFIED CONSERVATION CONTRIBUTIONS BY CERTAIN NATIVE CORPORATIONS.—

''(i) IN GENERAL.—Any qualified conservation contribution (as defined in subsection (h)(1)) which—

''(I) is made by a Native Corporation, and

''(II) is a contribution of property which was land conveyed under the Alaska Native Claims Settlement Act,

shall be allowed to the extent that the aggregate amount of such contributions does not exceed the excess of the taxpayer's taxable income over the amount of charitable contributions allowable under subparagraph (A).

''(ii) LIMITATION.—This subparagraph shall not apply to any contribution of property described in clause (i)(II) which, by itself or when aggregated to any other property to which this subparagraph applies, is a contribution of more than 10 percent of the land conveyed to the Native Corporation described in clause (i)(I) under the Alaska Native Claims Settlement Act.

''(iii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2)) as a charitable contribution to which clause (i) applies in each of the 15 succeeding years in order of time.

''(iv) DEFINITION.—For purposes of this subparagraph, the term 'Native Corporation' has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act.

''(v) TERMINATION.—This subparagraph shall not apply to any contribution in any taxable year beginning after December 31, 2010.''.

(b) CONFORMING AMENDMENT.—Section 170(b)(2)(A) of such Code is amended by striking ''subparagraph (B) applies'' and inserting ''subparagraphs (B) or (C) apply''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to modify any existing property rights conveyed to Native Corporations (withing the meaning of section 3(m) of the Alaska Native Claims Settlement Act) under such Act.

SA 3394. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. ENHANCED RESEARCH CREDIT FOR DOMESTIC MANUFACTURERS.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) ENHANCED CREDIT FOR DOMESTIC MANUFACTURERS.—

''(1) IN GENERAL.—In the case of a qualified domestic manufacturer, this section shall be applied by increasing the following by the bonus amount:

''(A) The 20 percent amount under subsection (a)(1).

''(B) The 20 percent amount under subsection (a)(2).

''(C) The 20 percent amount under subsection (a)(3).

''(D) The 14 percent amount under subsection (c)(5)(A).

''(2) QUALIFIED DOMESTIC MANUFACTURER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified domestic manufacturer' means a taxpayer who has domestic production gross receipts which are more than 50 percent of total production gross receipts.

''(B) DOMESTIC PRODUCTION GROSS RECEIPTS.—The term 'domestic production gross receipts' has the meaning given to such term under section 199(c)(4).

''(C) TOTAL PRODUCTION GROSS RECEIPTS.—The term 'total production gross receipts' means the gross receipts of the taxpayer which are described in section 199(c)(4), determined—

''(i) without regard to whether property described in subparagraph (A)(i)(I) or (A)(i)(III) thereof was manufactured, produced, grown, or extracted in the United States,

''(ii) by substituting 'any property described in section 168(f)(3)' for 'any qualified film' in subparagraph (A)(i)(II) thereof, and

''(iii) without regard to whether any construction described in subparagraph (A)(ii) thereof or services described in subparagraph (A)(iii) thereof were performed in the United States.

''(3) BONUS AMOUNT.—For purposes of paragraph (1), the bonus amount shall be determined as follows:

''If the percentage of total production gross receipts which are domestic production gross receipts is:	**The bonus amount is:**
More than 50 percent and not more than 60 percent	2 percentage points
More than 60 percent and not more than 70 percent	4 percentage points
More than 70 percent and not more than 80 percent	6 percentage points
More than 80 percent and not more than 90 percent	8 percentage points
More than 90 percent	10 percentage points.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SA 3395. Mrs. LINCOLN (for herself, Ms. SNOWE, Ms. COLLINS, Ms. STABENOW, Mr. CRAPO, Mr. CORNYN, Ms. CANTWELL, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. ROBERTS, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 14 and 15, insert the following:

SEC. ___. MODIFICATION OF RENEWABLE ELECTRICITY PRODUCTION CREDIT FOR BIOMASS FACILITIES.

(a) CREDIT ALLOWED FOR ON-SITE USE OF ELECTRICITY PRODUCED FROM BIOMASS.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

''(12) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—In the case of electricity produced after the date of the enactment of this paragraph at any facility described in paragraph (2) or (3) of subsection (d) which is equipped with a metering device to determine electricity consumption or sale, subsection (a)(2) shall be applied without regard to subparagraph (B) thereof with respect to such electricity produced and consumed at such facility.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to electricity produced after the date of the enactment of this Act.

SA 3396. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 77, strike line 24 and all that follows through page 80, line 10, and insert the following:

(c) SPECIALTY CROP ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—

(i) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 or 2010 crop year.

(ii) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(B) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 or 2010 crop year, or both, as determined by the Secretary—

(i) produced, or was prevented from planting, a specialty crop; and

(ii) experienced crop losses in a disaster county due to excessive rainfall, freeze, drought, or a related condition.

(2) ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $500,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to excessive rainfall, freeze, drought, and related conditions affecting the 2009 or 2010 crop, or both.

(3) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(4) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties with excessive rainfall, freeze, drought, and related conditions on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 and 2010 calendar years, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State under this subsection may not exceed $100,000,000.

(5) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers for losses due to a qualifying natural disaster;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 60 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(6) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 and 2010 crop year (as applicable) under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

SA 3397. Mr. ROCKEFELLER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, insert the following:

SEC. —. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) of the Internal Revenue Code of 1986 is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

''(B) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

''(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 3398. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 431, insert the following:

Subtitle E—Cooperative Governing of Individual Health Insurance Coverage

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''Health Care Choice Act of 2010''.

SEC. 442. SPECIFICATION OF CONSTITUTIONAL AUTHORITY FOR ENACTMENT OF LAW.

This subtitle is enacted pursuant to the power granted Congress under article I, section 8, clause 3, of the United States Constitution.

SEC. 443. FINDINGS.

Congress finds the following:

(1) The application of numerous and significant variations in State law impacts the ability of insurers to offer, and individuals to obtain, affordable individual health insurance coverage, thereby impeding commerce in individual health insurance coverage.

(2) Individual health insurance coverage is increasingly offered through the Internet, other electronic means, and by mail, all of which are inherently part of interstate commerce.

(3) In response to these issues, it is appropriate to encourage increased efficiency in the offering of individual health insurance coverage through a collaborative approach by the States in regulating this coverage.

(4) The establishment of risk-retention groups has provided a successful model for the sale of insurance across State lines, as the acts establishing those groups allow insurance to be sold in multiple States but regulated by a single State.

SEC. 444. COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended by adding at the end the following:

''PART D—COOPERATIVE GOVERNING OF INDIVIDUAL HEALTH INSURANCE COVERAGE

''SEC. 2795. DEFINITIONS.

''In this part:

''(1) PRIMARY STATE.—The term 'primary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this part. An issuer, with respect to a particular policy, may only designate one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to individual health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

''(2) SECONDARY STATE.—The term 'secondary State' means, with respect to individual health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

''(3) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2), except that such an issuer must be licensed in the primary State and be qualified to sell individual health insurance coverage in that State.

''(4) INDIVIDUAL HEALTH INSURANCE COVERAGE.—The term 'individual health insurance coverage' means health insurance coverage offered in the individual market, as defined in section 2791(e)(1).

''(5) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of this title for the State with respect to the issuer.

''(6) HAZARDOUS FINANCIAL CONDITION.—The term 'hazardous financial condition' means that, based on its present or reasonably anticipated financial condition, a health insurance issuer is unlikely to be able—

''(A) to meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

''(B) to pay other obligations in the normal course of business.

''(7) COVERED LAWS.—

''(A) IN GENERAL.—The term 'covered laws' means the laws, rules, regulations, agreements, and orders governing the insurance business pertaining to—

''(i) individual health insurance coverage issued by a health insurance issuer;

''(ii) the offer, sale, rating (including medical underwriting), renewal, and issuance of individual health insurance coverage to an individual;

''(iii) the provision to an individual in relation to individual health insurance coverage of health care and insurance related services;

''(iv) the provision to an individual in relation to individual health insurance coverage of management, operations, and investment activities of a health insurance issuer; and

''(v) the provision to an individual in relation to individual health insurance coverage of loss control and claims administration for a health insurance issuer with respect to liability for which the issuer provides insurance.

''(B) EXCEPTION.—Such term does not include any law, rule, regulation, agreement, or order governing the use of care or cost management techniques, including any requirement related to provider contracting, network access or adequacy, health care data collection, or quality assurance.

''(8) STATE.—The term 'State' means the 50 States and includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(9) UNFAIR CLAIMS SETTLEMENT PRACTICES.—The term 'unfair claims settlement practices' means only the following practices:

''(A) Knowingly misrepresenting to claimants and insured individuals relevant facts or policy provisions relating to coverage at issue.

''(B) Failing to acknowledge with reasonable promptness pertinent communications with respect to claims arising under policies.

''(C) Failing to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under policies.

''(D) Failing to effectuate prompt, fair, and equitable settlement of claims submitted in which liability has become reasonably clear.

''(E) Refusing to pay claims without conducting a reasonable investigation.

''(F) Failing to affirm or deny coverage of claims within a reasonable period of time after having completed an investigation related to those claims.

''(G) A pattern or practice of compelling insured individuals or their beneficiaries to institute suits to recover amounts due under its policies by offering substantially less than the amounts ultimately recovered in suits brought by them.

''(H) A pattern or practice of attempting to settle or settling claims for less than the amount that a reasonable person would believe the insured individual or the individual's beneficiary was entitled by reference to written or printed advertising material accompanying or made part of an application.

''(I) Attempting to settle or settling claims on the basis of an application that was materially altered without notice to, or knowledge or consent of, the insured.

''(J) Failing to provide forms necessary to present claims within 15 calendar days of a requests with reasonable explanations regarding their use.

''(K) Attempting to cancel a policy in less time than that prescribed in the policy or by the law of the primary State.

''(10) FRAUD AND ABUSE.—The term 'fraud and abuse' means an act or omission committed by a person who, knowingly and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

''(A) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by an insurer, a reinsurer, broker, or its agent, false information as part of, in support of, or concerning a fact material to one or more of the following:

''(i) An application for the issuance or renewal of an insurance policy or reinsurance contract.

''(ii) The rating of an insurance policy or reinsurance contract.

''(iii) A claim for payment or benefit pursuant to an insurance policy or reinsurance contract.

''(iv) Premiums paid on an insurance policy or reinsurance contract.

''(v) Payments made in accordance with the terms of an insurance policy or reinsurance contract.

''(vi) A document filed with the commissioner or the chief insurance regulatory official of another jurisdiction.

''(vii) The financial condition of an insurer or reinsurer.

''(viii) The formation, acquisition, merger, reconsolidation, dissolution, or withdrawal from one or more lines of insurance or reinsurance in all or part of a State by an insurer or reinsurer.

''(ix) The issuance of written evidence of insurance.

''(x) The reinstatement of an insurance policy.

''(B) Solicitation or acceptance of new or renewal insurance risks on behalf of an insurer, reinsurer, or other person engaged in the business of insurance by a person who knows or should know that the insurer or other person responsible for the risk is insolvent at the time of the transaction.

''(C) Transaction of the business of insurance in violation of laws requiring a license,

certificate of authority, or other legal authority for the transaction of the business of insurance.

''(D) Attempt to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this paragraph.

''SEC. 2796. APPLICATION OF LAW.

''(a) IN GENERAL.—The covered laws of the primary State shall apply to individual health insurance coverage offered by a health insurance issuer in the primary State and in any secondary State, but only if the coverage and issuer comply with the conditions of this section with respect to the offering of coverage in any secondary State.

''(b) EXEMPTIONS FROM COVERED LAWS IN A SECONDARY STATE.—Except as provided in this section, a health insurance issuer with respect to its offer, sale, rating (including medical underwriting), renewal, and issuance of individual health insurance coverage in any secondary State is exempt from any covered laws of the secondary State (and any rules, regulations, agreements, or orders sought or issued by such State under or related to such covered laws) to the extent that such laws would—

''(1) make unlawful, or regulate, directly or indirectly, the operation of the health insurance issuer operating in the secondary State, except that any secondary State may require such an issuer—

''(A) to pay, on a nondiscriminatory basis, applicable premium and other taxes (including high risk pool assessments) which are levied on insurers and surplus lines insurers, brokers, or policyholders under the laws of the State;

''(B) to register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process;

''(C) to submit to an examination of its financial condition by the State insurance commissioner in any State in which the issuer is doing business to determine the issuer's financial condition, if—

''(i) the State insurance commissioner of the primary State has not done an examination within the period recommended by the National Association of Insurance Commissioners; and

''(ii) any such examination is conducted in accordance with the examiners' handbook of the National Association of Insurance Commissioners and is coordinated to avoid unjustified duplication and unjustified repetition;

''(D) to comply with a lawful order issued—

''(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (C); or

''(ii) in a voluntary dissolution proceeding;

''(E) to comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the issuer is in hazardous financial condition;

''(F) to participate, on a nondiscriminatory basis, in any insurance insolvency guaranty association or similar association to which a health insurance issuer in the State is required to belong;

''(G) to comply with any State law regarding fraud and abuse (as defined in section 2795(10)), except that if the State seeks an injunction regarding the conduct described in this subparagraph, such injunction must be obtained from a court of competent jurisdiction;

''(H) to comply with any State law regarding unfair claims settlement practices (as defined in section 2795(9)); or

''(I) to comply with the applicable requirements for independent review under section 2798 with respect to coverage offered in the State;

''(2) require any individual health insurance coverage issued by the issuer to be countersigned by an insurance agent or broker residing in that secondary State; or

''(3) otherwise discriminate against the issuer issuing insurance in both the primary State and in any secondary State.

''(c) CLEAR AND CONSPICUOUS DISCLOSURE.—A health insurance issuer shall provide the following notice, in 12-point bold type, in any insurance coverage offered in a secondary State under this part by such a health insurance issuer and at renewal of the policy, with the 5 blank spaces therein being appropriately filled with the name of the health insurance issuer, the name of primary State, the name of the secondary State, the name of the secondary State, and the name of the secondary State, respectively, for the coverage concerned:

This policy is issued by _____, and is governed by the laws and regulations of the State of _____, and it has met all the laws of that State as determined by that State's Department of Insurance. This policy may be less expensive than others because it is not subject to all of the insurance laws and regulations of the State of _____, including coverage of some services or benefits mandated by the law of the State of _____. Additionally, this policy is not subject to all of the consumer protection laws or restrictions on rate changes of the State of _____. As with all insurance products, before purchasing this policy, you should carefully review the policy and determine what health care services the policy covers and what benefits it provides, including any exclusions, limitations, or conditions for such services or benefits.''.

''(d) PROHIBITION ON CERTAIN RECLASSIFICATIONS AND PREMIUM INCREASES.—

''(1) IN GENERAL.—For purposes of this section, a health insurance issuer that provides individual health insurance coverage to an individual under this part in a primary or secondary State may not upon renewal—

''(A) move or reclassify the individual insured under the health insurance coverage from the class such individual is in at the time of issue of the contract based on the health-status related factors of the individual; or

''(B) increase the premiums assessed the individual for such coverage based on a health status-related factor or change of a health status-related factor or the past or prospective claim experience of the insured individual.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit a health insurance issuer—

''(A) from terminating or discontinuing coverage or a class of coverage in accordance with subsections (b) and (c) of section 2742;

''(B) from raising premium rates for all policy holders within a class based on claims experience;

''(C) from changing premiums or offering discounted premiums to individuals who engage in wellness activities at intervals prescribed by the issuer, if such premium changes or incentives—

''(i) are disclosed to the consumer in the insurance contract;

''(ii) are based on specific wellness activities that are not applicable to all individuals; and

''(iii) are not obtainable by all individuals to whom coverage is offered;

''(D) from reinstating lapsed coverage; or

''(E) from retroactively adjusting the rates charged an insured individual if the initial rates were set based on material misrepresentation by the individual at the time of issue.

''(e) PRIOR OFFERING OF POLICY IN PRIMARY STATE.—A health insurance issuer may not offer for sale individual health insurance coverage in a secondary State unless that coverage is currently offered for sale in the primary State.

''(f) LICENSING OF AGENTS OR BROKERS FOR HEALTH INSURANCE ISSUERS.—Any State may require that a person acting, or offering to act, as an agent or broker for a health insurance issuer with respect to the offering of individual health insurance coverage obtain a license from that State, with commissions or other compensation subject to the provisions of the laws of that State, except that a State may not impose any qualification or requirement which discriminates against a nonresident agent or broker.

''(g) DOCUMENTS FOR SUBMISSION TO STATE INSURANCE COMMISSIONER.—Each health insurance issuer issuing individual health insurance coverage in both primary and secondary States shall submit—

''(1) to the insurance commissioner of each State in which it intends to offer such coverage, before it may offer individual health insurance coverage in such State—

''(A) a copy of the plan of operation, feasibility study, or any similar statement of the policy being offered and its coverage (which shall include the name of its primary State and its principal place of business);

''(B) written notice of any change in its designation of its primary State; and

''(C) written notice from the issuer of the issuer's compliance with all the laws of the primary State; and

''(2) to the insurance commissioner of each secondary State in which it offers individual health insurance coverage, a copy of the issuer's quarterly financial statement submitted to the primary State, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

''(A) a member of the American Academy of Actuaries; or

''(B) a qualified loss reserve specialist.

''(h) POWER OF COURTS TO ENJOIN CONDUCT.—Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

''(1) the solicitation or sale of individual health insurance coverage by a health insurance issuer to any person or group who is not eligible for such insurance; or

''(2) the solicitation or sale of individual health insurance coverage that violates the requirements of the law of a secondary State which are described in subparagraphs (A) through (H) of subsection (b)(1).

''(i) POWER OF SECONDARY STATES TO TAKE ADMINISTRATIVE ACTION.—Nothing in this section shall be construed to affect the authority of any State to enjoin conduct in violation of that State's laws described in subsection (b)(1).

''(j) STATE POWERS TO ENFORCE STATE LAWS.—

''(1) IN GENERAL.—Subject to the provisions of subsection (b)(1)(G) (relating to injunctions) and paragraph (2), nothing in this section shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a health insurance issuer is not exempt under subsection (b).

''(2) COURTS OF COMPETENT JURISDICTION.—If a State seeks an injunction regarding the conduct described in paragraphs (1) and (2) of subsection (h), such injunction must be obtained from a Federal or State court of competent jurisdiction.

''(k) STATES' AUTHORITY TO SUE.—Nothing in this section shall affect the authority of any State to bring action in any Federal or State court.

''(l) GENERALLY APPLICABLE LAWS.—Nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

''(m) GUARANTEED AVAILABILITY OF COVERAGE TO HIPPA ELIGIBLE INDIVIDUALS.—To the extent that a health insurance issuer is offering coverage in a primary State that does not accommodate residents of secondary States or does not provide a working mechanism for residents of a secondary State, and the issuer is offering coverage under this part in such secondary State which has not adopted a qualified high risk pool as its acceptable alternative mechanism (as defined in section 2744(c)(2)), the issuer shall, with respect to any individual health insurance coverage offered in a secondary State under this part, comply with the guaranteed availability requirements for eligible individuals in section 2741.

''SEC. 2797. PRIMARY STATE MUST MEET FEDERAL FLOOR BEFORE ISSUER MAY SELL INTO SECONDARY STATES.

''A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State if the State insurance commissioner does not use a risk-based capital formula for the determination of capital and surplus requirements for all health insurance issuers.

''SEC. 2798. INDEPENDENT EXTERNAL APPEALS PROCEDURES.

''(a) RIGHT TO EXTERNAL APPEAL.—A health insurance issuer may not offer, sell, or issue individual health insurance coverage in a secondary State under the provisions of this title unless—

''(1) both the secondary State and the primary State have legislation or regulations in place establishing an independent review process for individuals who are covered by individual health insurance coverage, or

''(2) in any case in which the requirements of paragraph (1) are not met with respect to either of such States, the issuer provides an independent review mechanism substantially identical (as determined by the applicable State authority of such State) to that prescribed in the 'Health Carrier External Review Model Act' of the National Association of Insurance Commissioners for all individuals who purchase insurance coverage under the terms of this part, except that, under such mechanism, the review is conducted by an independent medical reviewer, or a panel of such reviewers, with respect to whom the requirements of subsection (b) are met.

''(b) QUALIFICATIONS OF INDEPENDENT MEDICAL REVIEWERS.—In the case of any independent review mechanism referred to in subsection (a)(2), the following provisions shall apply:

''(1) IN GENERAL.—In referring a denial of a claim to an independent medical reviewer, or to any panel of such reviewers, to conduct independent medical review, the issuer shall ensure that—

''(A) each independent medical reviewer meets the qualifications described in paragraphs (2) and (3);

''(B) with respect to each review, each reviewer meets the requirements of paragraph (4) and the reviewer, or at least 1 reviewer on the panel, meets the requirements described in paragraph (5); and

''(C) compensation provided by the issuer to each reviewer is consistent with paragraph (6).

''(2) LICENSURE AND EXPERTISE.—Each independent medical reviewer shall be a physician (allopathic or osteopathic) or health care professional who—

''(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

''(B) typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

''(3) INDEPENDENCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), each independent medical reviewer in a case shall—

''(i) not be a related party (as defined in paragraph (7));

''(ii) not have a material familial, financial, or professional relationship with such a party; and

''(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

''(B) EXCEPTION.—Nothing in subparagraph (A) shall be construed to—

''(i) prohibit an individual, solely on the basis of affiliation with the issuer, from serving as an independent medical reviewer if—

''(I) a non-affiliated individual is not reasonably available;

''(II) the affiliated individual is not involved in the provision of items or services in the case under review;

''(III) the fact of such an affiliation is disclosed to the issuer and the enrollee (or authorized representative) and neither party objects; and

''(IV) the affiliated individual is not an employee of the issuer and does not provide services exclusively or primarily to or on behalf of the issuer;

''(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as an independent medical reviewer merely on the basis of such affiliation if the affiliation is disclosed to the issuer and the enrollee (or authorized representative) and neither party objects; or

''(iii) prohibit receipt of compensation by an independent medical reviewer from an entity if the compensation is provided consistent with paragraph (6).

''(4) PRACTICING HEALTH CARE PROFESSIONAL IN SAME FIELD.—

''(A) IN GENERAL.—In a case involving treatment, or the provision of items or services—

''(i) by a physician, a reviewer shall be a practicing physician (allopathic or osteopathic) of the same or similar specialty, as a physician who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review; or

''(ii) by a non-physician health care professional, the reviewer, or at least 1 member of the review panel, shall be a practicing non-physician health care professional of the same or similar specialty as the non-physician health care professional who, acting within the appropriate scope of practice within the State in which the service is provided or rendered, typically treats the condition, makes the diagnosis, or provides the type of treatment under review.

''(B) PRACTICING DEFINED.—For purposes of this paragraph, the term 'practicing' means, with respect to an individual who is a physician or other health care professional, that the individual provides health care services to individual patients on average at least 2 days per week.

''(5) PEDIATRIC EXPERTISE.—In the case of an external review relating to a child, a reviewer shall have expertise under paragraph (2) in pediatrics.

''(6) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by the issuer to an independent medical reviewer in connection with a review under this section shall—

''(A) not exceed a reasonable level; and

''(B) not be contingent on the decision rendered by the reviewer.

''(7) RELATED PARTY DEFINED.—For purposes of this section, the term 'related party' means, with respect to a denial of a claim under a coverage relating to an enrollee, any of the following:

''(A) The issuer involved, or any fiduciary, officer, director, or employee of the issuer.

''(B) The enrollee (or authorized representative).

''(C) The health care professional that provides the items or services involved in the denial.

''(D) The institution at which the items or services (or treatment) involved in the denial are provided.

''(E) The manufacturer of any drug or other item that is included in the items or services involved in the denial.

''(F) Any other party determined under any regulations to have a substantial interest in the denial involved.

''(8) DEFINITIONS.—For purposes of this subsection:

''(A) ENROLLEE.—The term 'enrollee' means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

''(B) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

''SEC. 2799. ENFORCEMENT.

''(a) IN GENERAL.—Subject to subsection (b), with respect to specific individual health insurance coverage, the primary State for such coverage has sole jurisdiction to enforce the primary State's covered laws in the primary State and any secondary State.

''(b) SECONDARY STATE'S AUTHORITY.—Nothing in subsection (a) shall be construed to affect the authority of a secondary State to enforce its laws as set forth in the exception specified in section 2796(b)(1).

''(c) COURT INTERPRETATION.—In reviewing action initiated by the applicable secondary State authority, the court of competent jurisdiction shall apply the covered laws of the primary State.

''(d) NOTICE OF COMPLIANCE FAILURE.—In the case of individual health insurance coverage offered in a secondary State that fails to comply with the covered laws of the primary State, the applicable State authority of the secondary State may notify the applicable State authority of the primary State.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individual health insurance coverage offered, issued, or sold after the date that is one year after the date of the enactment of this Act.

(c) GAO ONGOING STUDY AND REPORTS.—

(1) STUDY.—The Comptroller General of the United States shall conduct an ongoing study concerning the effect of the amendment made by subsection (a) on—

(A) the number of uninsured and under-insured;

(B) the availability and cost of health insurance policies for individuals with pre-existing medical conditions;

(C) the availability and cost of health insurance policies generally;

(D) the elimination or reduction of different types of benefits under health insurance policies offered in different States; and

(E) cases of fraud or abuse relating to health insurance coverage offered under such amendment and the resolution of such cases.

(2) ANNUAL REPORTS.—The Comptroller General shall submit to Congress an annual report, after the end of each of the 5 years following the effective date of the amendment made by subsection (a), on the ongoing study conducted under paragraph (1).

SEC. 445. SEVERABILITY.

If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the application of the provisions of such to any other person or circumstance shall not be affected.

SA 3399. Mr. NELSON of Florida (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 11 and 12, insert the following:

SEC. _____. MODIFICATION OF EXCEPTION FROM 10 PERCENT EARLY WITHDRAWAL PENALTY FOR PUBLIC SAFETY EMPLOYEES.

(a) REPEAL OF RESTRICTION TO DEFINED BENEFIT PLANS.—Subparagraph (A) of section 72(t)(10)(A) is amended by striking ''which is a defined benefit plan''.

(b) APPLICATION TO ANNUITIES COMMENCING BEFORE THE PENSION PROTECTION ACT OF 2006.—Paragraph (10) of section 72(t) is amended by adding at the end the following new subparagraph:

''(C) TRANSITIONAL RULE FOR ANNUITIES.—Paragraph (4) shall not apply to any modification to a series of substantially equal periodic payments which are made with respect to a qualified public safety employee if such series of payments commenced—

''(i) before the date of the enactment of the Pension Protection Act of 2006, and

''(ii) after such qualified public safety employee's separation from service after attainment of age 50.''.

(c) EFFECTIVE DATES.—

(1) REPEAL OF RESTRICTION TO DEFINED BENEFIT PLANS.—The amendment made by subsection (a) shall apply to distributions made after the date of the enactment of the Pension Protection Act of 2006.

(2) TRANSITIONAL RULE FOR ANNUITIES.—The amendment made by subsection (b) shall apply to modifications made after the date of the enactment of the Pension Protection Act of 2006.

SA 3400. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 602. LOAN GUARANTEES FOR SHIPYARDS AND REPROGRAMMING OF FUNDS FOR SEALIFT CAPACITY.

Section 115 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199; 118 Stat. 439), as amended by section 1017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 250), is amended to read as follows:

''SEC. ____. (a)(1) Of the amounts provided in the Department of Defense Appropriations Act, 2002 (Public Law 107–117; 115 Stat. 2244), the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1533), and the Department of Defense Appropriations Act, 2004 (Public Law 108–87; 117 Stat. 1068) under the heading 'NATIONAL DEFENSE SEALIFT FUND' for construction of additional sealift capacity, notwithstanding section 2218(c)(1) of title 10, United States Code—

''(A) $15,000,000, shall be made available for the Secretary of Transportation to make loan guarantees as described in subsection (b); and

''(B) $25,000,000, shall be made available for—

''(i) design testing simulation and construction of infrastructure improvements to a marine cargo terminal capable of supporting a mixed use of traditional container operations, high speed loading and off-loading, and military sealift requirements; and

''(ii) engineering, simulation, and feasibility evaluation of advance design vessels for the transport of high-value, time sensitive cargoes to expand a capability to support military sealift, aviation, and commercial operations.

''(2) The amounts made available in this subsection shall remain available until expended.

''(b)(1) A loan guarantee described in this subsection is a loan guarantee issued by the Secretary of Transportation to maintain the capability of a qualified shipyard to construct a large ocean going commercial vessel if the applicant for such a loan guarantee demonstrates that absent such loan guarantee—

''(A) the domestic capacity for the construction of large ocean going commercial vessels will be significantly impaired;

''(B) more than 1,000 shipbuilding-related jobs will be terminated at any one facility; and

''(C) the capability of domestic shipyards to meet the demand for replacement and expansion of the domestic ocean going commercial fleet will be significantly constrained.

''(2) In this subsection, the term 'qualified shipyard' means a shipyard that—

''(A) is located in the United States;

''(B) consists of at least one facility with not less than of 1,000 employees;

''(C) has exclusively constructed ocean going commercial vessels larger than 20,000 gross registered tons;

''(D) delivered 8 or more such ocean going commercial vessels during the 5-year period ending on the date of the enactment of the American Workers, State, and Business Relief Act of 2010; and

''(E) applies for a loan guarantee made available pursuant to subsection (a)(1)(A).

''(3) Notwithstanding the provisions of chapter 537 of subtitle V of title 46, United States Code, or any regulations issued pursuant to such chapter, a loan guarantee pursuant to subsection (a)(1)() shall be issued only to a qualified shipyard upon commitment by the qualified shipyard of not less than $40,000,000 in equity and demonstrated proof that actual construction of the new vessel for which such loan guarantee was issued will commence not later than April 30, 2010.

''(4) A loan guarantee issued pursuant to subsection (a)(1)(A) shall be deemed to have a subsidy rate of no greater than 9 percent.

''(5) The Secretary of Transportation shall select each qualified shipyard to receive a loan guarantee pursuant to subsection (a)(1)(A) not later than 60 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010.''.

SA 3401. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 4, strike ''excessive rainfall or related'' and insert ''drought, excessive rainfall, or a related''.

On page 76, line 1, insert ''fruits and vegetables or'' before ''crops intended''.

On page 76, line 13, strike ''90'' and insert ''112.5''.

Beginning on page 76, strike line 18 and all that follows through ''(4)'' on page 77, line 17, and insert ''(3)''.

On page 78, strike lines 3 through 7 and insert the following: ''not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

On page 78, lines 18 and 19, strike ''with excessive rainfall and related conditions''.

On page 78, line 21, strike ''2008'' and insert ''2009''.

On page 79, lines 4 and 5, strike ''under this subsection'' and insert ''for counties described in paragraph (1)(B)''.

On page 80, between lines 3 and 4, insert the following:

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

On page 80, line 4, strike ''(5)'' and insert ''(6)''.

On page 87, between lines 4 and 5, insert the following:

(h) HAY QUALITY LOSS ASSISTANCE PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(B) EXCLUSION.—The term ''disaster county'' does not include—

(i) a contiguous county; or

(ii) a county that had less than a 10-percent loss in the quality of the 2009 crop of hay, as determined by the Secretary.

(2) ASSISTANCE.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to provide assistance to eligible producers of the 2009 crop of hay that suffered quality losses in a disaster county due to flooding that occurred during the period beginning on May 1, 2009, and ending on December 31, 2009.

(3) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive assistance under this subsection, a producer shall certify to the Secretary that the average quality loss of the producer meets or exceeds the approved quality adjustment for hay due to flooding at harvest.

(B) EVIDENCE.—

(i) IN GENERAL.—In making the certification described in subparagraph (A), the producer shall provide to the Secretary reliable and verifiable evidence of the quality loss and the production of the producer.

(ii) LACK OF EVIDENCE.—If evidence described in clause (i) is not available, the Secretary shall use—

(I) in the case of unavailable quality loss evidence, documentation provided by the Cooperative Extension Service, State Department of Agriculture, or other reliable sources, including institutions of higher education, buyers, and cooperatives, as to the extent of quality loss in the disaster county; and

(II) in the case of unavailable production evidence, the county average yield, as determined by the Secretary.

(4) DETERMINATION OF PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided under this subsection to an eligible producer shall equal the product obtained by multiplying, as determined by the Secretary—

(i) the quantity of hay harvested by the eligible producer;

(ii) a quality adjustment that is equal to the difference between—

(I) the average price per ton for average quality hay; and

(II) the average price per ton for poor quality hay due to flooding; and

(iii) 65 percent.

(B) LIMITATION.—The maximum amount that an eligible producer may receive under this subsection is $40,000.

(5) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(6) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity with an average adjusted gross nonfarm income that exceeds the amount described in section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(A)) shall be ineligible to receive benefits under this subsection.

(7) DIRECT ATTRIBUTION.—In carrying out this subsection, the Secretary shall apply section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)).

On page 87, line 5, strike ''(h)'' and insert ''(i)''.

On page 89, line 15, insert ''for the purchase, improvement, or operation of the poultry farm'' after ''lender''.

On page 89, strike line 24 and insert the following:

(j) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(k) ADMINISTRATION.—

On page 90, line 4, insert ''and the amendment made by this section'' after ''section''.

On page 90, line 7, insert ''and the amendment made by this section'' before ''shall be''.

On page 91, line 1, strike ''$15,000,000'' and insert ''$10,000,000''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 10, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on energy efficiency bills, including S. 1696, the Green Gaming Act of 2009; S. 2908, the Water Heater Rating Improvement Act of 2009; S. 3059, the National Energy Efficiency Enhancement Act of 2010; S. 3054, a bill to amend the Energy Policy and Conservation Act to establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas; and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Rosemarie_Calabro @energy.senate.gov.

For further information, please contact Allen Stayman or Rosemarie Calabro.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, this is to correct the purpose of a hearing before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources previously announced on March 1st. The hearing will be held on Tuesday, March 16, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of P.L. 111–11) and the Bureau of Reclamation's WaterSMART program which includes the WaterSMART Grant Program, the Basin Study Program and the Title XVI Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate .gov.

For further information, please contact Tanya Trujillo or Gina Weinstock.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 3, 2010, at 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 3, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The 2010 Trade Agenda.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 3, 2010, at 9:30 a.m. to conduct a hearing entitled ''Chemical Security: Assessing Progress and Charting a Path Forward.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 3, 2010, at 2:15 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Encouraging Innovative and Cost-Effective Crime Reduction Strategies.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 3, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 3, 2010, at 2:30 p.m. in order to conduct a hearing entitled ''Oversight Challenges In The Medicare Prescription Drug Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEAN, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. WEBB. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere,

Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 3, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WEBB. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 3, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed the privilege of the floor during consideration of the pending bill: Mary Baker, Ivie English, Lucas Hamilton, Sam Kohn, Scott Mathews, Tsveta Polhemus, and Meena Sharma.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider Executive Calendar Nos. 603, 604, 610, 625, 629, 630, and 700 so that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; and that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

Eileen Chamberlain Donahoe, of California, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Paul R. Verkuil, of Florida, to be Chairman of the Administrative Conference of the United States for the term of five years.

DEPARTMENT OF HOMELAND SECURITY

Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

FEDERAL TRADE COMMISSION

Julie Simone Brill, of Vermont, to be a Federal Trade Commissioner for the term of seven years from September 26, 2009.

Edith Ramirez, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Lillian A. Sparks, of Maryland, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

NOMINATION OF JULIE BRILL

Mr. LEAHY. Mr. President, I am pleased that the Senate today confirmed Julie Brill as Commissioner of the Federal Trade Commission, FTC. I have known Julie for her work during nearly 20 years as an Assistant Attorney General from Vermont, and believe that both the FTC and consumers around the country will benefit greatly from her appointment.

Ms. Brill is extremely well qualified to serve as an FTC Commissioner. She graduated from Princeton University and New York University Law School, served as a law clerk to the Vermont Federal Judge Franklin Billings, and served both as an Assistant Attorney General in Vermont and General Counsel of the Vermont Department of Banking, Insurance and Securities. Most recently, Ms. Brill worked as Senior Deputy Attorney General of the Consumer Protection Division in the North Carolina Department of Justice. Over her professional career, Ms. Brill has worked on critical issues in agriculture, tobacco, food, pharmaceuticals, and identity theft. Her expertise and intelligence have allowed her to excel in all of these areas.

The FTC has an important role in protecting consumers from unfair and deceptive trade practices as well as anticompetitive behavior by businesses. Ms. Brill will serve consumers well in her new position as a Commissioner.

Ms. Brill has spent much of her professional life working on behalf of the people of Vermont, and I look forward to continuing to work with her as she helps to advance Chairman Leibowitz's active agenda. I know her family, and was delighted to introduce her at her confirmation hearing. I congratulate Ms. Brill on her confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR THURSDAY, MARCH 4, 2010

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, March 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213, the Tax Extenders Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be rollcall votes throughout the day tomorrow as we continue to work through this important legislation.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Thursday, March 4, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

SCOTT M. MATHESON, JR., OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE MICHAEL W. MCCONNELL, RESIGNED.

DEPARTMENT OF JUSTICE

KENNETH J. GONZALES, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE DAVID CLAUDIO IGLESIAS.

MICHAEL C. ORMSBY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE JAMES A. MCDEVITT.

WILLIE RANSOME STAFFORD III, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE HARLON EUGENE COSTNER.

DEPARTMENT OF LABOR

JAMES L. TAYLOR, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE DOUGLAS W. WEBSTER, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MATTHEW H. ADAMS
CLAUDINE M. ANDOLA
LARRY A. BABIN, JR.
CHAD B. BALFANZ
JACOB D. BASHORE
RYAN BEERY
CANDACE M. BESHERSE
BRADFORD D. BIGLER
TIMOTHY J. BILECKI
JENNIFER J. BOWERSOX
HOLLY K. BRYANT
PAUL D. CARLSON
NAGESH CHELLURI
THOMAS L. CLARK, JR.
HOWARD C. CLAYTON
STEVEN J. COLLINS
JESSICA CONN
PATRICK L. DAVIS
JOHN C. DOHN II
JEROME P. DUGGAN
DAVID A. DULANEY
BONNIE L. DUNLOP
MATTHEW S. FITZGERALD
SCOTT R. FORD
LAWRENCE P. GILBERT
RICHARD E. GORINI
JOHN J. GOWEL
KATHERINE S. GOWEL
PATRICK B. GRANT
JOSEPH P. GROSS
KEVIN G. HELLER
CARL E. HILL
KELLI A. HOOKE
SCOTT Z. HUGHES
NATHAN P. JACOBS
WILLIAM B. JENNINGS
KEVIN M. JINKS
ERIC A. JONKER
MICHAEL P. KAVANAGH
KEIRSTEN H. KENNEDY
ANDREW K. KERNAN
JOSHUA L. KESSLER
DANIEL R. KICZA
JACK H. KO
JOHN R. KOKOSZKA
MATTHEW A. KRAUSE
JOSEPH E. KRILL
DANIEL R. KUECKER
MARGARET V. KURZ

JONATHAN LAMBERT
ILDIKO E. LANE
GARY R. LEVY, JR.
TODD L. LINDQUIST
SALLY R. MACDONALD
ERIC L. MAYER
SCOTT A. MCDONALD
TYSON S. MCDONALD
ELIZABETH A. MCFARLAND
GARY P. MCNEAL
MARY E. MEEK
MICHAEL J. OCONNOR
AUTUMN OLEARY
DARREN W. POHLMANN
MICHAEL G. POND
KRISTY L. RADIO
HOBE A. SCHOLZ
MATTHEW C. SCOTT
MEGAN SHAW
VINCENT T. SHULER
ANDREW J. SMITH
GREGORY T. STRICKER
BRIAN R. SYKES
JOHN T. TUTTEROW
ANTHONY J. VALENTI
MATTHEW H. WATTERS

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PETER W. MCDANIEL

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DENNIS L. PARKS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DEAN R. KECK

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVE K. BRAUND
STEVEN E. SPROUT

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES E. DANIELS
JAY A. ROGERS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TIMOTHY L. COLLINS
STEVEN J. LENGQUIST

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL R. GLASS
DONALD L. HULTZ

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVEN M. DOTSON
MARK A. IVY
JAMES I. SAYLOR

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JACK G. ABATE
RAYMOND E. BARNETT
JASON A. HIGGINS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL C. BIEMILLER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ELWOOD M. BARNES
JIMMY M. BROWNING
RONALD M. HARVELL
STEVEN P. MCCAIN
DOUGLAS J. SLATER, SR.
TIMOTHY P. WAGONER
REX A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CALVIN N. ANDERSON
MARGARETE P. ASHMORE
JIMMY LEE BARDIN
BRADLEY L. BELL
NATHAN M. BERMAN
VINCENT M. BUQUICCHIO
FRANZISKA J. CHOPP
DON M. CHRISTENSEN
DONALD RICHARD ELLER, JR.
MARK A. HATCH
KRISTINE M. KIJEK
CHARLES C. KILLION
ROBIN P. KIMMELMAN
JENNIFER L. MARTIN
ROBERT L. MAY, JR.
JOE W. MOORE
BRYNN P. MORGAN
ADAM OLER
HEATHER L. OSTERHAUS
DAVID W. PENCZAR
BARBARA E. SHESTKO
VANCE HUDSON SPATH
ROGER M. WELSH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRIAN L. BENGS
SCOTT D. BOEHNE
JANE E. BOOMER
THOMAS E. BYRON
DOUGLAS F. CRABTREE
RICHARD L. DASHIELL
JOSEPH F. DENE
CHAD L. DIEDERICH
ROBERT M. GERLEMAN
JOHN E. GILLILAND
TOMMY E. GREGORY
ROBERT S. HALL
ROBERT S. HUME
JULIE J. R. HUYGEN
JOSEPH S. IMBURGIA
JENNIFER R. KRAMME
RICHARD H. LADUE, JR.
LUCAS J. LANDRENEAU
BRADFORD U. LARSON
LINELL A. LETENDRE
DEBRA A. LUKER
CHRISTOPHER MCMAHON
THANH LAN BICH NGUYEN
CHRISTOPHER J. NOWICKI
MYNDA L. G. OHMAN
KATHLEEN J. OROURKE
BRUCE D. PAGE, JR.
LYNDELL M. POWELL
KENNETH W. SACHS
SHELLY W. SCHOOLS
STEPHEN E. SEE
SUZETTE D. SEUELL
SHANNON L. SHERWIN
KATHRYN E. STENGELL
KEVIN P. STIENS
MATTHEW D. VAN DALEN
KEVIN J. WILKINSON
LISA F. WILLIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DONNETTE A. BOYD
DONALD W. BRETZ
BILL BURRELL
MARK A. CRUMPTON
DAVID L. MANSBERGER
SHON NEYLAND
MICHAEL S. RASH
SCOTT L. RUMMAGE
PAUL D. SUTTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

RICHARD S. BEYEA III
MATTHEW A. BOARTS
ERIC P. BOYER
KRISTINA Y. COPPINGER
KRISTOFFER K. COX
LARRY J. FOWLER
JULIAN C. GAITHER
KENNETH E. JOHNSON, JR.
EUGENE F. LAHUE
CHRISTOPHER M. LAPACK
WILLIAM D. LOGAN
RAYMOND D. MONCRIEF
CHARLES R. MONTOYA, JR.
SCOTT P. NUPSON
ISMAEL RODRIGUEZ
RANDY L. SELLERS
MICHAEL D. SHANNON
JACK S. STANLEY
MARK F. THOMAS
HYRAL B. WALKER, JR.
TRAVIS C. YELTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

AFSANA AHMED
KENNETH A. ARTZ
ANDREW R. BARKER
CHELSEA L. BARTOE
PETER THOMAS BEAUDETTE, JR.
TYLER D. BUCKLEY
DONALD N. BUGG
MARIE J. CALABRESE
SARAH D. CARPENTER
ALLISON CHISOLM DANELS
LAUREN N. DIDOMENICO
CHARLES B. DISHMAN
SEAN M. ELAMETO
JEREMY J. EMMERT
ZACHARY T. EYTALIS
TODD J. FANNIFF
MICHAEL J. FELSEN
ADAM E. FREY
BRIAN R. GAGNE
CHARLES J. GARTLAND
JAMES G. GENTRY
BYRON D. GREENE
ALEXANDRA CATHERIN HALCHAK
MATTHEW EDWARD HILL
RYAN N. HOBACK
SCOTT A. HODGES
MICHAEL TODD HOPKINS
TRAVIS ANDERS HUBBLE
AMBER B. JACOBY
CHRISTOPHER DAVID JONES
JACK M. JONES, JR.
JASON F. KEEN
CHARLES G. KELS
MICHAEL SPENCER KERR
JOANNA M. KIEFFER
MICHAEL G. KING
AMER MAHMUD
KATHY D. MALOWNEY
KRISTIN K. MCCALL
MATTHEW N. MCCALL
HUGH B. MCCLEAN
NICHOLAS WILLIAM MCCUE
JEREMY K. MCKISSACK
NICHOLAS J. MEANZA
BRADLEY A. MORRIS
SARAH M. MOUNTIN
SHAWNTELL P. MULLINS
AARON S. OGDEN
GARY MATTHEW OSBORN
JOHN MERRITT PAGE
TRACY A. PARK
JOSEPH F. PERA
NAOMI NATASHA PORTERFIELD
LISA M. RICHARD
RONALD L. ROODHOUSE, JR.
CHRISTOPHER JOSEPH SCHUBBE
PATRICK M. SCHWOMEYER
NATHANIEL H. SEARS
JUSTIN A. SILVERMAN
MAXWELL S. SMART
STEVEN RAY SNORTLAND
SUZANNE E. STEPHENSON
JACQUELINE M. STINGL
ROBERT B. STIRK
MICHELLE MARIE SUBERLY
FELIX I. SUTANTO
SARA A. SWART
BRIAN D. TETER
GREGORY J. THOMPSON
DANIEL S. VAILLANT
SCOTT A. VAN SCHOYCK
ROBERT EUGENE VORHEES II
CHARLES G. WARREN
DANIEL J. WATSON
ERIC N. WEBER
REGGIE D. YAGER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEREMY C. AAMOLD
HIRO ABABON
STEPHAN A. ABATE
BRANDON R. ABEL
MATTHEW J. ABELE
DENNIS F. ABRAMOWICZ
ALICIA D. ABRAMS
LUIS J. ADAMES
EDDIE H. ADAMS III
FRANKLIN M. ADAMS
GEORGE E. ADAMS
ISAAC E. ADAMS
JASON G. ADAMS
JEFFREY S. ADAMS
JOHN F. ADAMS, JR.
WILLIAM D. ADAMS

BRIAN S. ADCOCK
NICHELE D. ADEOGUN
JOHN T. AGNEW
RAJ AGRAWAL
SCOTT W. AHRENS
ROBERT A. AIKMAN II
DANIEL O. AKEREDOLU
ADAM T. AKERS
JAMES D. AKERS II
MICHAEL S. ALBERS
DANZEL W. ALBERTSEN
JASON A. ALBERTSON
ERIC C. ALDEN
JOHN E. ALDERMAN
JAMES D. ALDRICH
STEPHEN C. ALDRIDGE
SALVADOR ALEMAN
ANTHONY S. ALEXANDER
DAVID S. ALEXANDER
GARRY J. ALEXANDER
KERRI V. ALEXANDER
PERRY D. ALEXANDER
DANIEL M. ALFORD
PERRY G. ALFRED
CRAIG W. ALLDREDGE
BILLY S. ALLEN
CHRISTOPHER B. ALLEN
CHRISTOPHER IAN ALLEN
CHRISTOPHER W. ALLEN
DEAN C. ALLEN
JAMES F. ALLEN
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WESLEY R. SIDES
PAUL D. SIEGLER
MICHAEL C. SILOK
PARADON SILPASORNPRASIT
ANTONIO M. SILVERA
MICHAEL S. SIMIC
CHRISTOPHER E. SIMMONS
ERIC W. SIMMONS
JEFFREY D. SIMMONS
RYAN S. SIMMS
MICHAEL J. SIMONS
SHARON D. SIMPKINS JONES
BRYAN P. SIMPSON
MATTHEW A. SIMPSON
TONY L. SIMPSON
LEE G. SIMS III
JUSTIN H. SINCOFF
JEFFREY A. SIPE
KAY E. SIPE
MARTIN C. SISSON
MARK D. SKALKO
KELLY A. SKEENS
ANTHONY L. SKEESICK
WESLEY ADAM SKENFIELD
JACK SKILES III
ANITA C. SKIPPER
ROBERT J. SKOPECK, JR.
CHRISTOPHER A. SKOW
MARK W. SLATE
JAMES SLATON
JASON J. SLEGER
KIMBERLY K. SLOAN
MARTIN J. SLOVINSKY
LINDA L. SLUSARSKI
ANTONE R. SMITH
BRADFORD J. SMITH, JR.
CHRISTOPHER R. SMITH
DAMON L. SMITH
GEORGE H. SMITH III
GLEN W. SMITH
JASON D. SMITH
LARRY S. SMITH
NATHANIEL K. SMITH
OSCAR T. SMITH
PATRICK J. SMITH
PETER M. SMITH
PHILLIP A. SMITH
RACHEL K. SMITH
REGINALD L. SMITH
ROBERT E. SMITH
ROBIN D. SMITH
ROCHELLE D. SMITH
SCOTT A. SMITH
SCOTT E. SMITH
SCOTT SHANNON SMITH
TIMOTHY D. SMITH
TOBY S. SMITH
ZACHARY A. SMITH
LISA M. SMITTLE
SHANE R. SMOOT
SANDRA V. SNADDON
JOHN P. P. SNAPP, JR.
SOL R. SNEDEKER
RYAN E. SNIDER
SAMUEL M. SNODDY
DAVID N. SNODGRASS
ANDREW J. SNYDER
JEREMY L. SNYDER
LISA W. SNYDER
MATTHEW P. SNYDER
STEVE E. SOLIDAY
CHARLES D. SOLOMON
RICHARD SOLORZANO
STEPHANIE M. SOLTIS
GREGORY E. SOMBORN
JASON G. SOMERS
PAUL N. SOMERS
AMANDA L. SOMERVILLE
JAMES M. SOMERVILLE
JONATHAN E. SOMOGYI
THOMAS E. SONNE
MICHAEL SONTAG
JOHN T. SOPHIE
KEITH A. SORSDAL
PAUL RUSSELL SORTOR
WILLIAM G. SOTO
JAMES SOUDERS
JOEL R. SOUKUP
JOHN M. SPARGUR
TIMOTHY J. SPAULDING
MATTHEW T. SPEER
BOONE C. SPENCER
KENDALL W. SPENCER
CANDICE M. SPERRY
RAYMOND H. K. SPOHR
BRIAN J. SPORYSZ
JULIE SPOSITO
MELISSA E. SPRAGUE
CHRISTOPHER A. SPRING
ZAN A. SPROLES
FREDERICK D. SPRUNGER
BERNARD R. SPRUTE
JEREMY E. ST LOUIS
TYLER L. STABILER
ROBERT K. STACHURSKI
CHEO F. STALLWORTH
DAWN STANDRIDGE
LISA M. STANLEY
MATTHEW F. STANLEY
STUART A. STANTON
EDWARD J. STAPANON III
MICHAEL C. STARGELL
BROC L. STARRETT
DARREN D. STASTNY
BRUCE A. STAUFER
TROY T. STAUTER
CHAD J. STEEL
ERIC D. STEELE
GEOFFREY M. STEEVES
MICHAEL D. STEFANOVIC
JEFFREY D. STEINBRINK
DOUG C. STEINERT
CHADWICK M. STEIPP
JESSICA R. STELLING
RONALD N. STENCEL
DEREK A. STENEMAN
CHRISTOPHER R. STEPHENS
DARREN H. STEPHENS
SAMUEL A. STERLIN
CHRISTINE A. STEVENS
KAREN L. STEVENS
ROBERT D. STEVENS
ANN M. D. STEVENSON
ERIC W. STEVENSON
BRANDON C. STEWART
DIRK ORN STEWART
HELEN STEWART
SCOT JACOB STEWART
ZACHARY ROY STEWART
JOSHUA B. STIERWALT
DANIEL F. STIMPFEL
CODY D. STIVERSON
MICHAEL J. STOCK
MERRILL L. STODDARD
TOMASZ P. STOKLOSA
JAMES A. STONE
JAMES L. STONE
SCOTT J. STONE
SETH D. STORMS
WILLIAM F. STORMS
ELISE V. STRACHAN
BRIAN L. STRACK
GINA M. STRAMAGLIO
JEFFREY P. STRANGE
BRIAN K. STRICKLAND
TRESA ANN STRICKLAND
RICHARD R. STRINGER
WHITNEY L. STRINGHAM
MATTHEW D. STROHMEYER
PAUL B. STROM
JODY B. STRONG
CHRISTOPHER S. STROUP
RONNIE B. STUBBLEFIELD
PAUL D. STUCKI
TIMOTHY G. STUDDARD
CARL W. STUMPF
TAMMY J. SUDIGALA
TYLER G. SUELTENFUSS
JARROD M. SUIRE
JACQUELINE M. SUKHLALL
DAVID A. SULHOFF
JOEY P. SULLIVAN
LUKE E. SULLIVAN
MARK A. SULLIVAN
KENNETH E. SUMLER
DARREN E. SUNDERHAUS
JOSE R. SURITA, JR.
ROBERT A. SURREY
LUKE C. SUSTMAN
MICHAEL K. SUTHERLAND
TIMOTHY P. SUTTON
ANTHONY D. SWAIN
WALTER B. SWAIN III
TODD A. SWANHART
JEANNIE C. SWANSON
MATTHEW J. SWANSON
MICHAEL DAVID SWARD
JENNIFER SWAZAY
DAVID RICHARD SWEET
LAYLA M. SWEET
RICHARD W. SWENGROS
MARK T. SZATKOWSKI
KARLA A. TAFF
YURI P. TAITANO
JOHN A. TALAFUSE
ALAN S. TALBERT
TODD E. TALBOTT
EDWARD W. TALLEY
HOWARD TANG
KATHERINE A. TANNER
KEVIN G. TANNER
NATHAN A. TARVER
DARIN R. TATE
JASON C. TATE
JOHN P. TATE
ERIC TATUM
ANDREA K. TAYLOR
GLENN P. TAYLOR
AMY BOWEN TEAGUE
SEAN T. TEAGUE
LUCAS J. TEEL
BRANDON J. TELLEZ
BRANDON J. TELLEZ
MARTIN T. TEMAAT
BRIAN S. TEMPLE
JULIO C. TERRERO
SHANE M. TERRY
ZACHARY S. TERRY
PHONG THACH
BRIAN M. THARP
RYAN L. THEISS
LINDA J. THIERAUF
LENA THIEU
JIMMY H. THIGPEN
SOUNTHAVONE THIPHAVONG
JASON T. THIRY
ILLYA K. THOMAS
JAMES J. THOMAS
JEREMEY T. THOMAS
MALAKIA K. THOMAS
THERESA A. THOMAS
WILLIAM D. THOMAS
ARTHUR A. THOMPSON
HARLAN K. THOMPSON
KIMBERLIE E. THOMPSON
KRISTEN D. THOMPSON
LARNELL S. THOMPSON
MICHAEL A. THOMPSON
MICHAEL J. THOMPSON
SEAN W. THOMPSON
SHAUNDAL T. THOMPSON
LEE C. THOMSON
SCOT A. THORNHILL
PAUL D. THORNTON
DYLAN G. THORPE
KEITH W. TICKLE
JOSEPH W. TIMBERLAKE
CLIFTON D. TINKHAM
GLEN D. TITUS II
ADAM P. TOBIAS
JOSEPH C. TOBIN
RONALD J. TOLER
NATHANAEL B. TOLLE
JUSTIN C. TOLLIVER
JAMES D. TORRES
LESLIE KAHIMENEON TORRES
PHOENIX L. TORRIJOS
KENNETH J. TOSO
LINDSAY M. TOTTEN
JOSEPH N. TOUP
SCOTT G. TRAGESER
KELLY R. TRAVIS
KEVIN M. TREAT
BRIAN J. TREBOLD
ROBERT J. TREST
BROCK A. TRIPLETT
JOSHUA J. TROSCLAIR
JULIO C. TRUJILLO
STEVEN E. TUGMAN
JOSHUA W. TULL
ERICK A. TURASZ
JAMES K. TURNER
JOHN P. TURNER
RICKEY D. TURNER
SANDRA M. TURNER
THOMAS A. TURNER
MATTHEW L. TUZEL
ADAM L. TWITCHELL
RONALD G. TYCER
KEVIN TYLER
MICHAEL S. UEDA
VINCENT N. ULLOA
JEFFREY M. ULMER
DAVID C. UNDERWOOD
JEFFREY R. UNDERWOOD
BRIAN J. URBAN
DIEGO M. URIBE
JOHN M. URSO
VHANCE V. VALENCIA
THOMAS D. VALERIO, JR.
MIGUEL A. VALLE III
ERIN H. VAN OOSTEN
RICHARD G. VANCE
KEITH W. VANDERHOEVEN
GEORGE H. VANDEVERE
WARREN S. VANDIVER
NATHAN A. VANDREY
ERIC S. VANLEY
LANCE A. VANN
RICHARD M. VANSCHOOR
RYAN M. VANVEELEN
CRISTOPHER A. VARGAS
CLINTON S. VARNER
JONATHAN A. VAROLI
CLINTON B. VARTY
BRIAN M. VASQUEZ
MICHAEL R. VASQUEZ
DANIEL L. VAUGHAN
JIMMIE C. VAUGHAN
LEWIS M. VAUGHN III
RICHARD E. VAUGHN, JR.
IAN A. VEATCH
MATTHEW J. VEDDER
RAMON L. VEGLIO
JAVIER VELAZQUEZ
GREGG M. VELEZ
AUBREY M. VENABLE
LORENA VENEGAS
RYAN R. VENHUIZEN
JAMES W. VENTERS
MICHAEL A. VERBITSKI
MARTIN D. VERMEULEN
STEVEN L. VESTEL
IVEN M. VIAN
ANTHONY L. VIEIRA
JOSEPH R. VIGUERIA
DERRICK S. VINCENT
MATTHEW R. VINCENT
DAVID M. VOITIER
BRENDAN J. VOITIK
DUANE J. VOLLMER
JEFFREY C. VONDRAN
MARC S. VONHAHMANN, JR.
DANIEL J. VOORHIES
PAUL K. VOSS
ANDREW R. VRABEC
ELWOOD T. WADDELL
ERIC S. WADDELL
JOHN P. WAGEMANN
JAMIE M. WAGGONER
JEREMY C. WAGNER
TERRY L. WAGNER
TIMOTHY S. WAGNER
ROBERT D. WAIDER
RUSSELL E. WAIGHT
CYNTHIA A. WAITE
STEVEN D. WALD
CORY W. WALDROUP
DANIEL S. WALKER
IAN N. WALKER

KERI L. WALKER
PATRICK J. WALKER
THOMAS V. WALKER
JOSEPH D. WALL
THOMAS E. WALLACE
BRIAN D. WALLER
CLINTON J. WALLER
DAVID J. WALLS
BRIAN G. WALSKI
BRYAN J. WALTER
DARRELL A. WALTON
ADAM D. WANTUCK
CHRISTOPHER J. WARD
ERIC J. WARD
ROBERT A. WARD
CHARLES T. WARE
JAMES E. WARE
JAMES D. WARREN, JR.
RANDY D. WARREN
STEVEN G. WARREN
CHAD L. WATCHORN
RICHARD H. WATERS
STEVEN G. WATERS
GREGORY M. WATSON
JOHN W. WATSON
JOSEPH P. WATSON
JUSTIN T. WATSON
ALEXANDER L. WAXMAN
BARRY S. WEAVER
RICHARD A. WEBB
TIMOTHY R. WEBB
JESSICA A. WEDINGTON
JOSHUA C. WEED
MARK A. WEGER
TIMOTHY C. WEGNER
GRZEGORZ STAN WEGRZYN
KRISTIN J. WEHLE
SHANE A. WEHUNT
HAYES J. WEIDMAN
JOSEF R. WEIN
KENNETH H. WEINER
JEFFREY E. WEISLER
MICHAEL D. WELLER
LISA D. WELMERS
CARRIE E. WENTZEL
MATTHEW J. WENZEL
JASON T. WERNER
JOHNNY L. WEST
DANIEL L. WESTER
INGEMAR S. WESTPHALL
PAUL WEVER
REBECCA E. WEYANT
MICHAEL A. WHEELER
GLENDON C. WHELAN
JENNIFER L. WHETSTONE
NATHAN ALLAN WHITAKER
TIMOTHY G. WHITE
VAUGHAN T. WHITED
DOUGLAS W. WHITEHEAD
TANDY R. WHITEHEAD
JASON A. WHITFORD
PAUL R. WHITSEL
BENJIMAN C. WHITTEN
NICHOLAS J. WHRITENOUR
STEVEN P. WICK
TONY M. WICKMAN
RAY BLAINE WIDDISON
JASON A. WIGGINS
LOWELL B. WIGGINS
DORSEY C. WILKIN
TRAVIS G. WILLCOX
LEROY S. WILLEMSEN
MICHAEL J. WILLEN
JASON P. WILLEY
DAVID W. WILLHARDT
MICHAEL D. WILLHIDE
CRAIG L. WILLIAMS
EDWARD C. WILLIAMS, JR.
GENE P. WILLIAMS
JAMAL D. WILLIAMS
JEREMY E. WILLIAMS
JOHN R. WILLIAMS III
JOSHUA P. WILLIAMS
KELLEN M. WILLIAMS
MARK L. WILLIAMS
PATRICE L. WILLIAMS
ROBIN S. WILLIAMS
RYAN R. WILLIAMS
SCOTT J. WILLIAMS
TIMOTHY S. WILLIAMS
TODD C. WILLIAMS
DEREK L. WILLIAMSON
CHRISTOPHER M. WILLIS
SHAWN M. WILLIS
WILLIAM S. WILLIS
BILLY R. WILSON, JR.
CHARLES E. WILSON IV
CHRISTOPHER G. WILSON
DAVID A. WILSON
JOHN D. WILSON
LARA L. WILSON
STEPHANIE Q. WILSON
STEPHEN W. WILSON
THOMAS K. WILSON
JEREMY D. WIMER
JAMES L. WINKELHAKE
JAMES M. WINKLESKI
RICHARD F. WINN
TRAVIS M. WINSLOW
JIMMY DEAN WINTERS
CYNTHIA E. WITTNAM
MATTHEW R. WITTNAM
DANIEL B. WOLFE
JASON B. WOLFF
BRYAN K. WONG
RYAN M. WONG
COLETTE A. WONGMANEE
JEREMY A. WOOD
KRISTEN N. WOOD
MATTHEW J. WOOD
MEGAN K. WOOD
MICHAEL R. WOODRUFF
CASEY Y. WOODS
JESSICA E. WOODS
MARC A. WOODWORTH
CECIL EARL WOOLARD, JR.
TAD W. WOOLFE
WILLIAM D. WOOTEN
BRADLEY R. WORDEN
TIMOTHY C. WORTHINGTON
DAVID A. WRAY
JOHN M. WRAZIN
JAMES M. WRIGHT
VIRGINIA J. WRIGHT
STEVEN P. WYATT
REBECCA A. WYFFELS
MARK S. WYNN
DAVID J. WYRICK
BRYANT T. WYSOCKI
MICHAEL L. YAMZON
JASON T. YEATES
ELIZABETH A. YESUE
EDWARD F. YONCE
ROGER D. YOON
JACQUELINE B. YOUNG
KEITH C. YOUNG
MARGARET A. YOUNG
MICHAEL J. YOUNG
THOMAS J. YOUNG
MATTHEW J. YOUNGMEYER
PASCUAL ZAMUDIO
JOHN ZANFARDINO
FERNANDO L. ZAPATA
ERIC J. ZARYBNISKY
GREGORY M. ZELINSKI
JASON M. ZEMLER
NICHOLAS G. ZERVOS
MATTHEW J. ZIEMANN
JOHN C. ZINGARELLI
BARBARA L. ZISKA
JONATHAN R. ZITO
DENNIS A. ZOLTAK
CAROLOS J. ZOURDOS
BRANDON A. ZUERCHER
JASON C. ZUMWALT
PETER W. ZUMWALT

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, March 3, 2010:

DEPARTMENT OF STATE

LAURA E. KENNEDY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

EILEEN CHAMBERLAIN DONAHOE, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES REPRESENTATIVE TO THE UN HUMAN RIGHTS COUNCIL.

DEPARTMENT OF HOMELAND SECURITY

ELIZABETH M. HARMAN, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

FEDERAL TRADE COMMISSION

JULIE SIMONE BRILL, OF VERMONT, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2009.

EDITH RAMIREZ, OF CALIFORNIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LILLIAN A. SPARKS, OF MARYLAND, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PAUL R. VERKUIL, OF FLORIDA, TO BE CHAIRMAN OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES FOR THE TERM OF FIVE YEARS.

EXTENSIONS OF REMARKS

TRIBUTE TO THE OSWEGO HIGH SCHOOL LADY BUCS HOCKEY TEAM

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. OWENS. Madam Speaker, I rise today to congratulate the Oswego High School Lady Bucs hockey team for their victory in the 2010 New York State Girls High School Hockey Championships.

On Saturday the 13th of February, high school hockey fans were treated to a great championship game between some of the most skilled players in the state when the Lady Bucs defeated Skaneateles in the final game 3–0. I understand that the Lady Bucs' championship win claimed the school's first team state title since the varsity boys bowling team accomplished the feat about two decades ago.

I want to congratulate the championship girls' team of Whitney Daino, Erika Lazzaro, Sage Dudley, Taylar Cianfarano, Kaitlin Friel, Sarah Mancuso, Danielle Faivus, Caroline Dougherty, Karissa Favata, Taite Phillips, Sarah Gosek, Lainey Celeste, Tessa Opet, Devyn Hutcheson, Caty Darling, Madisyn Whalen and Allison Yule on their hard work. I would also like to recognize Taylar Cianfarano for being named the tournament's most valuable player, as well as Devyn Hutcheson, Kaitlin Friel and goalie Madisyn Whalen for being selected to the all-tournament team.

I also want to extend my congratulations to head coach Dan Bartlett and assistants Beth Arduini and Andrew Lazzaro, who built upon an impressive legacy to take the team to victory. The elite status of these athletic young women could not have been reached without the combined dedication of these coaches.

Madam Speaker, the Lady Bucs' teamwork sets a strong example for the community and reminds us all what is possible when we come together. Again, congratulations to the Lady Bucs on their success.

CELEBRATING THE RETIREMENT OF DEDE LONG

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Dede Long on her retirement after 31 years of exemplary, devoted service to Briar Bush Nature Center, a non-profit organization dedicated to environmental education in Abington, PA. I am honored to represent Ms. Long and the people of Abington in Congress.

Founded in 1908 as a wildlife refuge Briar Bush was acquired by Abington Township in 1962 upon the passing of its founders. In 1964 the Friends of Briar Bush was created as a non-profit organization dedicated to providing environmental education to individuals and groups of all ages through on-site and outreach experiences, protecting and nurturing a natural wildlife habitat, and promoting conservation of natural resources by increasing awareness and understanding of the environment.

Dede Long was selected as Executive Director of Briar Bush in 1979. She brought with her her experience with the USO in Athens, Greece, as a junior high school science teacher in Japan, and her work at outdoor-education schools in California. Through her stewardship Ms. Long has worked to establish many effective relationships with local organizations and the nationally recognized partnership between Briar Bush Nature Center, the Friends of Briar Bush, Abington Township and the Abington School District. During her tenure at Briar Bush, she has increased the number of staff members, completed a full renovation of all exhibits, and added facilities such as The Treetops classroom and Butterfly House.

The Briar Bush Nature Center has received numerous awards, including ''Nonprofit of the Year,'' and ''Nickelodeon Parents' Pick'' for the variety of family oriented programs and events offered yearly. Ms. Long has been acknowledged personally for her valuable work, receiving the 2008 Keystone Award from the Pennsylvania Alliance of Environmental Educators. She is an active member of her community and is involved in the Rotary Club of Jenkintown, the Abington Community Taskforce, and the Eastern Montgomery County Chamber of Commerce. She also supports many special events sponsored by other community organizations including the Jenkintown Day Nursery, Abington Education Foundation, Police Athletic League and Old York Road Historical Society.

Madam Speaker, once again I applaud Dede Long for her dedication, service, and accomplishment as Executive Director of Briar Bush Nature Center and environmental leader for over three decades. I offer my heartfelt congratulations to her on the momentous occasion of her retirement.

THE KIDNEY OF BARBI VAVRA GOES TO DON NEYLAND

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. POE of Texas. Madam Speaker, it is with great pride that I rise before you today to recognize Barbi Vavra and Don Neyland, two brave Liberty County Sheriff's Office employees from the great State of Texas. Their lives of service to the community are extraordinary examples of self sacrifice. It gives me great pleasure to recognize these two outstanding Texans before Congress and this Nation.

Sergeant Don Neyland with the Liberty County Sheriff's Office has bravely served the people of Liberty County as a police officer and investigator for 19 years. Yet, his life of service is all the more impressive because he suffers from serious kidney problems. One fateful day in 2009, Sergeant Neyland learned from doctors that he would need a kidney transplant. Soon his family members all began getting tested to see if they would be able to donate a kidney; but no match was found. Still continuing to hope, Sergeant Neyland decided to hand out brochures to coworkers about becoming a living kidney donor.

Twenty one year old coworker and friend, Barbi Vavra who is a clerk at the Liberty County Sheriff's Department read one of those pamphlets and decided to get tested. She turned out to be a perfect match and agreed to donate one of her kidneys to Sergeant Neyland. The surgery took place yesterday, March 2nd, and the two are doing very well in recovery.

Texas might have lost a hero and friend to Liberty County. Instead because Barbi decided to share the ''gift of life'' Sergeant Neyland and now our great State has one more hero to look to. This gift is truly inspiring.

The State of Texas and our Nation is a better place because of people like Barbi Vavra and Don Neyland. I am honored to recognize Barbi and Don, true Texans, for their example of heroism and selflessness to each other and to their community.

HONORING MS. TINA HALLQUIST

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Tina Hallquist. Ms. Hallquist served her constituency faithfully and justly during her tenure as a member of the Chautauqua County Legislature, serving district 13.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Hallquist served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Hallquist is one of those people and that is why, Madam Speaker, I rise in tribute to her today.

IN HONOR OF LAUREN O'CONNOR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. FARR. Madam Speaker, I rise today to commend Lauren O'Connor who is driving across America to raise awareness and $100,000 for Great Danes and animal rescues. Each year, millions of animals, mostly cats and dogs, are euthanized due to over–population and the lack of people willing to adopt them, at the same time that many animals are bred for the sole purpose of being bought and sold at pet stores.

Lauren, originally from Texas, went to college in West Virginia. She graduated with a degree in Public Relations. It was there that she met her Great Dane, Harley. Now 6, Harley is her traveling companion on this cross country journey.

Beginning on March 1st in New Jersey, Lauren, who resigned from her job at a Fortune 10 company in order to pursue her commitment to rescue dogs, will visit over 56 cities in her travels across the country, organizing events and benefits to raise money and educate people about Great Danes and rescue dogs. All of the proceeds that are raised will be donated to rescues and shelters around the country.

She is able to take on this worthy cause because of the kindness or her family and friends. In addition, complete strangers have been able to follow Lauren on her adventures through her Web site and her Twitter account.

Madam Speaker, Lauren O'Connor is venturing on an experience of a lifetime. Her trip across the country to raise awareness and money for rescue dogs is inspiring to us all and I would like to commend Lauren on her commitment to this very worthy cause.

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mrs. MALONEY. Madam Speaker, I rise to say goodbye to a friend.

New York City, and the rest of the world, lost a friend when Jack Murtha died.

Jack Murtha served his country in every possible way.

He served it in Vietnam as a Marine; he served in western Pennsylvania as a son, husband and father; and he served it for over 40 years in Harrisburg and in Washington, as a legislator's legislator.

He won respect for the honest, plainspoken, compassionate way he played all of these roles.

But to me, he played those roles like a brother.

He spoke often of the strong women in his family being essential to his success in life.

His great-grandmother, he once recalled, told him at age 6, ''You're put on this Earth to make a difference.''

Boy, did he ever.

He volunteered as a Marine, first in the 1950s during the Korean war.

He re-enlisted at age 34 and served in Vietnam—earning the Bronze Star, two Purple Hearts, and the Vietnamese Cross for Gallantry.

He became the first Vietnam veteran to be elected to Congress, in a February 1974 special election, starting a legendary Washington career as a member of the Appropriations Committee.

When I came to this chamber for the first time, the ''Pennsylvania Corner'' was in full flower. We grew close and even though we didn't agree on everything, we worked together often—on issues ranging from breast cancer research funding to the Intrepid Museum on the Hudson.

When he decided that the Iraq war was unwinnable in 2005, he earned his stripes all over again, providing leadership on this crucial issue. He visited my district, and so many others, explaining how he came to his decision.

Madam Speaker, as a Congressman, Jack Murtha won respect in these halls and on this floor . . . but as a man, he earned our love. We will miss him.

My thoughts and prayers are with his wife Joyce, and the entire Murtha family.

RECOGNIZING DAVE ANDERSON

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. PAULSEN. Madam Speaker, this past August, Dave Anderson of Minnetonka was selected into the Multiple Sclerosis Society Volunteer Hall of Fame for Programs and Services. He has been serving as vice president of MSWorld, an organization whose goal is to be a national source of support and information for those living with MS. In addition, Dave founded the Brainerd Lakes Chapter of ''Fishing Has No Boundaries,'' which provides people with MS a weekend of fishing and socializing. I would like to recognize Dave Anderson for his commitment to improving communication between those in the MS community, as well as for integrating social networking into the lives of people with multiple sclerosis.

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor former Mann County counsel Douglas Maloney who passed away on February 17, 2010 at his home in San Rafael, California. Serving on the legal frontlines of county government for more than three decades, Marin has greatly benefited from his unwavering dedication and skilled advocacy of the public's best interest.

Born in San Francisco in 1933, Mr. Maloney, a 50–year member of the California Bar Association, received his bachelor's degree from the California Maritime Academy in Vallejo, California, and his law degree from the University of San Francisco. A world traveler, voracious reader, exceptional public speaker, and a prolific writer, Doug Maloney loved life!

It was Doug Maloney who led the county's legal defense of the ''Marin-only'' provision in Ross philanthropist Beryl Buck's multi-million-dollar bequest. Maloney took on the San Francisco Foundation's challenge to spend the millions on needs beyond the county borders. With an outstanding legal team, he presented strong arguments upholding the Buck bequest and proving that, despite Marin's affluence, there were plenty of needs right in the county that could use financial assistance. The 1986 court-approved settlement transferred the Buck Trust to newly formed Marin Community Foundation to focus funds on research into aging, advocacy against alcohol abuse and research into educational issues. Had that battle been lost, Marin would be a far different place.

The legal engineer of land-use restrictions that saved West Marin from suburban sprawl, Maloney successfully defended the county's 1972 zoning restrictions designed to preserve and protect West Marin farmland and the ranching lifestyle. Challenged in 1989, Maloney won a federal court decision upholding the zoning restrictions and turning back a lawsuit by a Chicago landowner wanting to carve up his 561-acre Nicasio ranch. While we may take our open space and ranch lands for granted, we owe a huge debt of gratitude to the vision, political courage and legal skill of Douglas Maloney.

A man of great personal integrity and not one to back away from a rousing legal argument, Doug was good humored and a passionate follower of film and stage. He enjoyed rewriting fashionable Broadway shows and stage musicals, putting on a Marin spin and political satire to benefit local causes, complete with titles like, ''As the Candidate Turns,'' ''Damn Yuppies'' and ''Caucus Line.'' A popular op-ed columnist for the Marin Independent Journal, readers enjoyed his musings and appreciated his skill at weaving literature, history, politics, opinion and the proverbial Marin angle into his biweekly essays.

Doug Maloney was a devoted husband and father. In addition to his sister, Marion Berger of Redding, California, Mr. Maloney is survived by his wife of twenty-two years, Ellen Caulfield of San Rafael, Marin County, six children, ten grandchildren and six great-grandchildren.

Madam Speaker, Douglas Maloney will be missed by so many who shared in his work and vision. A man of letters and the law, he practiced what he preached. It is fitting to recognize his extraordinary efforts on behalf of Marin County and its residents. I join the many people who will miss Doug Maloney's inspiration, friendship, bright spirit, and clever quotes delivered with perfect timing and meaning.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to offer an explanation of the three votes I missed yesterday. March 2, 2010 marked not only Texas Independence Day, but also the 2010 Texas primary, and I

had previously committed to events in the district that forced me to miss my first three votes of the second session last night. Had I been present, I would have voted "aye" on each of the following rollcall votes:

Rollcall vote No. 75, on H. Res. 1072, Recognizing Louisiana State University for 150 years of service and excellence in higher education; rollcall vote No. 76, on H.R. 3820, the Natural Hazards Risk Reduction Act of 2009; and rollcall vote No. 77, on H. Res. 1097, Supporting the goals and ideals of National Engineers Week.

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. KILDEE. Madam Speaker, I rise today to honor the life and memory of my friend, John Murtha.

John was an extraordinary man, patriot and Congressman. He served with distinction as the Chairman of the House Appropriations Defense Subcommittee where his knowledge and expertise on military issues was unparalleled. Our troops and veterans had no greater advocate than John Murtha and the country that he loved so dearly is better for his years of service.

His personal commitment to our troops was extraordinary. He visited our war zones to learn firsthand about the need on the ground and always made time to visit with our soldiers. No matter how busy he was, he would always ask me about my two sons who served as captains in the U.S. Army, and I knew that he genuinely cared, from the bottom of his heart.

We all know that Jack was a proud marine, and their motto 'Semper Fidelis,' was indeed the motto of his life.

Madam Speaker, I am a better Member of Congress for knowing John Murtha and Congress as a whole is richer for his many years of service. I am honored to call him colleague and friend, and I will dearly miss his strength, dedication and friendship. God bless you John and Godspeed.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. COLE. Madam Speaker, on Friday, February 26, 2010, I missed the last vote in a series of six votes. I missed rollcall vote No. 74.

Had I been present and voting, I would have voted as follows: Rollcall vote No. 74: "yea" (On agreeing to H. Con. Res. 238).

RECOGNIZING THE AMERICAN RESPONSE TO THE DISASTER IN HAITI

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. MCCOLLUM. Madam Speaker, it is my privilege to join my colleagues today in recognizing the extraordinary American response to the earthquake that devastated Haiti on January 12, 2010. I am proud to support H. Res. 1048, H. Res. 1059, and H. Res. 1066. Each of these resolutions honors the courage and sacrifice of the Americans who rushed to aid the people of Haiti in their time of need.

The United States, with its swift and steadfast response, has once again demonstrated the common decency and compassion of its citizens. When the lives of our neighbors are at stake, Americans do not hesitate. In the first 10 days after the catastrophic earthquake—the worst to strike Haiti in 200 years—over 14,000 members of the Armed Forces, thousands of U.S. Army Reserve rescue workers, and hundreds of government and volunteer personnel were on the ground to provide immediate assistance to the Haitian people. While American search and rescue teams pulled survivors from the rubble, and Federal employees raced to distribute water, food, and medical supplies, the American public donated hundreds of millions of dollars to support relief efforts. Remarkably, a recent poll found that nearly half of American families had donated, even in the midst of this difficult economic recession.

As I express my gratitude today to every American that has taken part in the disaster response, it is not without a heavy heart. Haitians and the Haitian-American community have endured unspeakable loss, and the road to recovery will be long and difficult. America must continue to stand by Haiti and lead the international effort toward its recovery.

HONORING THE MARISCOTTI FAMILY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate the Mariscotti family upon being honored by the Fresno Chapter of the California Restaurant Association with the Best of the Valley "Lifetime Achievement Award." The Mariscotti family will be honored on Monday, March 1, 2010 at the 2009 Best of the Valley Restaurant Awards at the Saroyan Theatre in Fresno, California.

Rasmeo Mariscotti came to America in 1905 with his parents, Angelo and Caroline, and his sister, Louisa. Entering the United States through Ellis Island, the Mariscotti family made their way to Louisiana and worked on a sugar plantation. Once the family satisfied their debt to the sugar company, they boarded a train and settled in Madera, California where they had family and friends waiting for them.

Upon arriving in Madera, Rasmeo began working at the Madera Sugar Pine Lumber Company. Later, he went to work on the Roberts Ranch, where he met and married Pearl Pistoresi. Eventually, Rasmeo went into business with his cousin, opening a butchering business in Berenda; they butchered the meat and peddled it to the surrounding ranches. The butcher business grew from a meat market, into a grocery store and eventually to a gas station with an open-air soda stand. Once Prohibition ended, the open-air soda stand was transformed into a restaurant and the Mariscottis obtained a beer and wine sales license.

Rasmeo and Pearl had four children: Maybelle, Ethalae, Robert and Dino. With a growing family and a growing business, the Mariscottis were doing well. In 1947, the family hit a bump in the road when the State of California decided to develop Route 99 into a four-lane highway that cut directly through the town of Berenda. With the completion of the new highway, the city was gone. The Mariscottis decided to stay and build their next business, the Berenda Café.

After their son Robert returned from serving in the military, he began to work for his sister, Maybelle, and her husband at the Chowchilla Market. In 1953, Robert married Helen Hodina and they returned to the Berenda Café. The Berenda Café was operated by Rasmeo and Pearl until 1970 when Rasmeo passed away. After that, Robert and Helen continued operating the restaurant. Robert and Helen added a gift shop and renamed it the Berenda Ranch Restaurant.

In 1976, Highway 99 was expanded once again. With this alteration to the highway, the Berenda Restaurant gave way to progress. Robert and Helen continued the legacy of adaptation within the Mariscotti family and established the Vineyard Restaurant in Madera. In 1977 the Vineyard Restaurant opened its doors as a twenty-four hour diner, a comfort-food place that depended on traffic passing by on Highway 99. In 1985, Mr. and Mrs. Mariscotti added a bar and began to focus on lunch and dinner, with a priority of serving high-quality local food from local farms. The Vineyard Restaurant continues to operate by these principles.

Today, their son, Chris, carries on the family legacy in foodservice, running the family restaurant and continuing local philanthropic efforts with various organizations. The family hosted the "Giving Tree" program through the Madera Christmas Basket. They are also involved in the Kampus Kettle program, the Madera Chamber of Commerce. Chris Mariscotti has co-founded the local chapter of Slow Food International, Slow Food Madera. The Mariscotti family has been awarded the Crystal Tower Award from the Madera Compact, and the Vineyard Restaurant has been recognized by Spectator Magazine as one of the top restaurants in the Central Valley's wine-growing region and was featured by Via Magazine as one of the highlights of a trip down Highway 99.

Madam Speaker, I rise today to commend the Mariscotti family for their hard work, commitment to community, leadership, and their tradition of success in business. I invite my colleagues to join me in wishing the Mariscotti family many years of continued success.

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mrs. MCCARTHY of New York. Madam Speaker, it is with great honor that I rise today to pay tribute to a dear friend and loyal public servant, the Honorable John Murtha. He was a strong voice for the constituents in the 12th District of Pennsylvania and honorably served as the Chairman of the House Appropriations Subcommittee on Defense.

I, like so many of my colleagues, am blessed to have known Mr. Murtha on a professional and personal level. It is no surprise that Mr. Murtha will be remembered as such an effective legislator. Given his proud service in the Marine Corps and passionate devotion for the greater good of our nation, Mr. Murtha consistently served as a moral compass for the U.S. Congress.

About a year and a half after the Iraq War started, many wounded soldiers were transferred to Walter Reed Army Medical Center. Mr. Murtha visited these soldiers and witnessed the horrific wounds they were suffering with, such as losing a limb or losing complete eyesight. Mr. Murtha invited the veterans staying at Walter Reed, their families and members of Congress to a restaurant meal where he wanted the members to hear the stories of these courageous veterans. He wanted the veterans to express how they became wounded and what they believed Congress could do to help make sure our American soldiers were safe. Through legislation and appropriations funding, the stories from our veterans helped Congress push the military to improve their equipment. Humvee's and protective vests were improved to keep our soldiers safe from roadside bombs and other forms of hostility.

In all his years as an appropriator and legislator, he has always advocated for the safety of our military and has fought to improve the quality of life for American soldiers and their families. It was typical of Mr. Murtha to be modest about all of the care he showed the soldiers and veterans in times of war. After learning of the unacceptable conditions veterans were subjected to at Walter Reed Army Medical Center, Mr. Murtha immediately reached out to Members of Congress. He knew it was our country's responsibility to bring justice to our nation's wounded soldiers by ensuring that they received the proper medical care they deserved.

I extend my deepest condolences to his family, loved ones and friends. Mr. Murtha will be remembered as a man of honor, generosity and strength. His unfaltering dedication and care is what made him such an extraordinary person. It is with great sadness that I say goodbye to a great man and friend. I will miss him dearly. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for his longtime service and leadership as a U.S. Representative.

HONORING MIAMI-DADE COUNTY FIRE RESCUE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. ROS-LEHTINEN. Madam Speaker, I would like to honor and offer my sincerest thanks to the Miami-Dade County Fire Rescue team, specifically the Urban Search and Rescue branch, for their heroic efforts in aiding the relief work in Haiti.

Within hours of learning that a magnitude 7.0 earthquake had struck, Division Chief Dave Downey had organized a task force of 80 strong to respond. With minimal preliminary information, Chief Downey's task force began to mobilize immediately after the earthquake struck on January 12. Having responded to domestic disasters in the past including Hurricane Opal, the World Trade Center and Hurricane Katrina, Chief Downey's Florida Task Force 1 was well equipped to help the devastated town of Port-au-Prince.

Overcoming logistical difficulties such as the transportation of nearly 100 search and rescue personnel as well as their 62,000-pound equipment, the efforts of Florida Task Force 1 resulted in the largest number of survivors ever rescued in history. Rescuing their first victim almost 24 hours before their equipment had even arrived, we should all be proud of Chief Downey's team and the devotion they showed in executing a successful rescue mission.

In Chief Downey's own words, ''The breadth of this disaster was overwhelming.'' With a full view of the destruction, Florida Task Force 1 was forced to overcome countless challenges. With no Internet access or pre-established GPS formats, the task force had no other option but to plan their mission using old tourist maps for the first few—and most chaotic—days. Risking their own lives to save others, the courage and dedication of Florida Task Force 1 is truly an example to us all. Confronted with their greatest enemy—time—I commend the Miami-Dade Fire Rescue team for their quick and selfless response to the crisis in Haiti.

At this time, I would like to submit the names of each individual that made up the courageous Florida Task Force 1:

Alvarado, Patricio; Alvarez, Andres; Baker, Robert; Bell, Raymond; Borz, Ronald; Bramblett, Colette; Bustamante, Miguel; Caballero, Derrick; Canfield, Michael; Capote, Ernesto; Catapano, Kristian; Chung, Richard; Cooper, Rhaudal; Cuminale, Michael; Dombrowski, Lawrence; Downey, David; Driscoll, Stephen; Fernandez, Jorge; Fernandez, Louie; Ferraro, John.

Fregeolle, Gary; Garcia, Frank; Garcia-Menocal, Jose; Gelabert, Brian; Gelabert, Manuel; Gimenez, Carlos; Gonzalez, Mario; Gonzalez, Orlando; Gonzalez, Ralph; Hale, Marc; Hall, Richard; Herrera, Ernesto; Hook, Andrew; Hooten, Chad; Jacobs, Edan; Jenkins, Millard; Lefur, Rachelle; Licea, William; Machado, Andres; Major, Malcolm.

Mardice, Yves; Marks, Michael; Matos, Janice; Mclellan, Gregory; Moise, Rudolph; Mullin, Scott; Neetz, Jacqueline; Oldfield, Jeffrey; Oldfield, Monica; Parker, Pamela; Paternoster, Brandy; Paul-Noel, Karls; Pellon, Alejandro; Perez, Alberto; Perla, Marcelo; Perry, Alan; Post, Brandon; Pozo, Rafael; Ramos, Sergio; Richard, Stacy.

Rodriguez, Jairo; Rodriguez, Pedro; Rouse, Jeffrey; Santana, Luis; Selts, Jack; Smithies, John; Steele, Michelle; Strickland, Gregory; Strickland, Jeffrey; Strull, Michael; Sullivan, Robert; Tonanez, Alvaro; Trim, Anthony; Vaughan, Ray; Wasilkowski, Justin; Webb, Brandon; Whu, Danny; Williams, Kenneth; Wood, Hilda; Yetter, Michael.

As a result of these individuals' inspiring work in Haiti, countless lives have been saved and many more have been assisted. Their selfless mission and sense of commitment is a testament to our Nation's highest principles. As Americans, we cannot thank them enough for the work they have done both at home and abroad.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. WOOLSEY. Madam Speaker, on February 26, 2010, on rollcall No. 71 (Schauer of Michigan amendment), I inadvertently voted ''no'' when I had intended to vote ''aye.''

RECOGNIZING CHRISTI MINISTER

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. PAULSEN. Madam Speaker, I would like to recognize Christi Minister of Eden Prairie. She received the national Catholic Charities USA ''Keep the Dream Alive'' award on Martin Luther King Day. Catholic Charities, which Christi had been a part of for more than 25 years, has worked to acknowledge those who give their time and energy to reducing poverty, supporting families and empowering communities. This award, created this year, honors those who have made community service an integral part of their lives. Christi believes focusing on education for all gives everyone an opportunity to experience the American dream. I would like to thank Christi Minister for her commitment to helping others, and for ''keeping the dream alive.''

HONORING PAUL MASIH DAS, INTEL SCIENCE TALENT SEARCH FINALIST

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize my constituent Paul Masih Das and congratulate him as a finalist in the Intel Science Talent Search 2010. The Intel Science Talent Search is America's most prestigious science competition for high school seniors. Paul is one of only 40 finalists nationwide.

Paul's project, ''A Novel Chemical Synthesis for >1 MUm 2 Graphene Sheets,'' synthesized single-layer graphene (a sheet of carbon that's as thick as a single atom) using a relatively

quick, easy and inexpensive method that he developed.

As a student at Lawrence High School, Paul participates in numerous activities and clubs. As a member of Young Ambassadors of America, Paul has represented the United States on cultural tours of Japan, Spain and Italy. In addition, he plays on the school's tennis team, is captain of the math team and is a member of the chess club. Paul is also an award-winning musician and manages the chamber orchestra. As a senior member of the Education and Labor Committee, I am truly impressed by Paul's accomplishments.

Madam Speaker, it is with pride and admiration I offer my congratulations to Paul Masih Das and commend his dedication to education and science.

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to celebrate the life and honor the accomplishments of Congressman John Murtha who passed away on February 8, 2010.

America lost a great patriot with the passing of Congressman Murtha, and I join the people of Pennsylvania's 12th Congressional District and countless other Americans in mourning his death. As a veteran, he never forgot the needs of our military and through his leadership as Chairman of the House Appropriations Subcommittee on Defense, he made sure that our military had the tools it needed to secure America's future. A frequent visitor to injured troops at Walter Reed Army Medical Center and the National Naval Medical Center, Congressman Murtha deeply understood the sacrifices that these men and women made for our country. His ability to empathize with our servicemembers and veterans was absolutely remarkable, and I will deeply miss his leadership in Congress.

Madam Speaker, today I join my fellow colleagues in mourning the death of Congressman Murtha who spent his life serving our country in both the military and the halls of Congress.

HONORING THE PEACE CORPS FOR 49 YEARS OF EXTRAORDINARY SERVICE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. ESHOO. Madam Speaker, since President John F. Kennedy announced his vision for an American volunteer service, the Peace Corps has made extraordinary contributions to millions of people across the globe. It plays an ongoing role in encouraging mutual understanding and nonviolent coexistence among peoples of diverse cultures.

In the 49 years since its inception, nearly 200,000 Americans—including my son Paul—have served in 139 countries across five continents. These volunteers have provided lasting contributions to the agriculture, economy, technology, education, health, youth, and environment in areas of the world that require it most.

In the course of their service, Peace Corps Volunteers learn new languages, gain international experience, and develop an understanding of other cultures. Their work and the skills they develop strengthen our ties to the global community and enhance our positive image abroad.

Because of these achievements and its commitment to volunteerism, the Peace Corps is one of the most cost-effective foreign policy initiatives employed by our nation.

I've proudly supported the Peace Corps throughout my time in Congress. I've fought to increase recruitment of volunteers, develop training programs in education and AIDS prevention, and to help returning volunteers with student loans. Most recently, I voted tor and Congress passed an increased investment in the Peace Corps, allowing the creation of new programs in Indonesia and Sierra Leone this year.

On this 49th anniversary of its founding, I applaud the Peace Corps for its important work and honor its volunteers.

PERSONAL EXPLANATION

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. McMAHON. Madam Speaker, on rollcall Nos. 75, 76, and 77, had I been present, I would have voted "yea."

RECOGNIZING THE 49TH ANNIVERSARY OF THE PEACE CORPS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today in recognition of the 49th anniversary of the Peace Corps and to commemorate Peace Corps Week.

Volunteers of the Peace Corps have served valiantly since President John F. Kennedy challenged Americans to work towards the cause of peace. Since its creation on March 1, 1961, nearly 200,000 Americans have answered that call to contribute and improve Americans' understanding of other peoples and other peoples' understanding of Americans. At a time when extremist philosophies are increasing throughout the world, we need these dedicated individuals more than ever.

Madam Speaker, I would like to commend the 6,671 Peace Corps volunteers, including 153 volunteers from the State of Georgia, who are currently working to provide expertise and developmental assistance to 76 countries. These volunteers are dedicating themselves each day to the vision of President Kennedy. These individuals share their time and talents by serving as teachers, business advisors, HIV/AIDS educators, as well as sharing their knowledge of information technology, agriculture, the environment, and health.

On this anniversary I would like to acknowledge Jonathan Lewis, who is a prime example of a volunteer who is working to accomplish the goals of Peace Corps. Jonathan has been working in Kazakhstan this past year to organize the first official youth developmental group in the country, focusing on leadership, work ethics, and healthy lifestyles. At night he volunteers his time teaching English and American culture to students in schools and libraries around the country. Jonathan's efforts and all the Volunteers represent the caring spirit that runs deep in our country.

Today I honor the Peace Corps and its brave volunteers for their service to our nation and to the international community. In our ever-shrinking world, the mission of the Peace Corps is more vital than ever. I hope that each one of my distinguished colleagues will join me in commending these men and women for their service.

HONORING THE REVEREND CEDRIC HUGHES JONES, JR.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to honor the Reverend Cedric Hughes Jones, Jr. I congratulate Reverend Jones on his installation as the newest Pastor to the Mount Zion Baptist Church in Philadelphia.

Reverend Jones will be the fourth Pastor of the Mount Zion Baptist Church. He is excited to begin a new chapter of its history and will continue to support the church's major community outreach efforts. I am confident that Reverend Jones will carry on the outstanding legacy of community service shared by the previous Mount Zion Baptist Church pastors.

The Mount Zion Baptist Church is excited to welcome Revered Jones into their community, and is confident that Reverend Jones will continue the church's mission and further build up their place within the surrounding community. The church has a long history of support for and outreach to their community. In providing meals, housing and clothing, as well as scholarship funds and other financial assistance, the Mount Zion Baptist Church has helped those in their community in the most need of help.

Madam Speaker, I ask that you and my other distinguished colleagues join me in thanking the Mount Zion Baptist Church and Reverend Jones for their work in bettering their community, and congratulate Reverend Jones on the occasion of his installment as Pastor.

PERSONAL EXPLANATION

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. GRAYSON. Madam Speaker, on rollcall No. 75, 76, and 77; H. Res. 1072, H.R. 3820, H. Res. 1097, I missed these votes because car trouble caused me to miss my flight. On the next flight, because of heavy traffic, I missed these votes.

Had I been present, I would have voted "aye" on all.

HONORING TERRY MINOR

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. COOPER. Madam Speaker, I rise today to congratulate my constituent Terry Minor. Mr. Minor and his business, Cumberland International Trucks, have received the International Circle of Excellence Award for 2009, the highest honor a dealer principal can receive.

Cumberland International Trucks is headquartered in Nashville, Tennessee, where it was founded more than 60 years ago. Terry became a dealer principal in 2007 and currently employs 87 people. The Circle of Excellence Award, awarded by Navistar, recognizes truck dealerships that achieve the highest level of dealer performance.

Before becoming a dealer, Terry worked for Cumberland International in a number of key positions, including regional manager for parts, national account manager for Ryder truck sales, and vice president of sales for the Southwest Region. He is active in a number of industry groups, including the American Truck Dealers, the Used Truck Association, and the National Automotive Dealers Association. He is heavily involved with the Tennessee Trucking Association, where he serves on the board of directors. In addition, Terry is very active in community service, including the Chamber of Commerce and the Brentwood Baptist Church. Terry has been married to his wife Kristen for 20 years. He actively supports Ravenwood High School sports teams, including his daughter Calleigh's volleyball and lacrosse teams and his son Taylor's rugby team. He is also a veteran of the 2nd Battalion, 66th Armored Division of the U.S. Army out of Fort Hood, Texas.

Terry's dedication, strong work ethic, and community participation make him not only a great representative of Tennessee's values, but our Nation's values as well. Madam Speaker, I ask you and my colleagues to join me in congratulating Terry Minor for this honor and for his many contributions to Tennessee and our country.

NATIONAL PEACE CORPS WEEK

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. LEE of California. Madam Speaker, I would like to take the opportunity to honor the Peace Corps during this National Peace Corps Week.

On March 1, 2010 the Peace Corps celebrated its 49th anniversary. It is with the historic contributions of this organization in mind, that I proudly acknowledge the important work of nearly two hundred thousand Peace Corps volunteers since the agency's inception in 1961.

California has been and continues to be the largest producer of Peace Corps volunteers with 792 people currently serving abroad.

I am proud to report that my home District, California's 9th Congressional District, can be called home by 25 current volunteers who have committed themselves to the Peace Corps mission of world peace and friendship through service.

Through volunteer work abroad in fields including health education, food security, local business development, education about HIV/AIDS, and agricultural and environmental improvement, the work of the Peace Corps improves people's lives while enhancing the credibility of the United States abroad, fostering the exchange of ideas, and uniting cultures around values of peace, tolerance, and prosperity.

That is why I have introduced H.R. 336, which calls for the introduction of a semi-postal Peace stamp, which will sell at a slightly higher rate than the normal 44 cents to create additional revenues for the Peace Corps.

In the wake of the recent earthquakes in Haiti and Chile, we are reminded of the power of the international community to assist and empower those who are in need.

During National Peace Corps Week, we salute past and present Volunteers who selflessly serve abroad in support of these ideals.

HONORING THE WORK OF VFW POST 8946

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. GARRETT of New Jersey. Madam Speaker, today I rise to honor the work of VFW Post 8946 in Woodcliff Lake, New Jersey for their selfless and inspiring deeds towards their fellow citizens. For the past few years this group of extraordinary individuals has been traveling to the Walter Reed Medical Center in Washington, D.C. as well as the Walter Reed National Military Medical Center in Bethesda, Maryland. During their trips the members of the Post have spent time with wounded veterans and their families. They have brought items such as clothing, CD players, electric shavers and even a large TV for the recreation room.

After one of their more recent visits to Walter Reed Medical Center in Washington, William Huston, a member of the Post, told a local reporter that, "these young men have a remarkable attitude, we cannot properly express the admiration we have for them." It is this sense of genuine commitment towards helping those who have given so much to our nation that makes this Post unique in many ways.

As I reflect on the deeds they have done I cannot help but be reminded of the enduring words from President Abraham Lincoln's second inaugural address. Lincoln challenged his fellow Americans to "care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." The men of this Post are a living testament to these words.

I want to once again thank this group of exceptional men for their service towards their fellow citizens. I am proud to represent such a fine group of people in the United States House of Representatives.

CONGRATULATING CALHOUN HIGH SCHOOL

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. GINGREY of Georgia. Madam Speaker, I am honored to represent Calhoun High School and want to congratulate the students, faculty, and staff on their achievements thus far this year.

Principal Wanda Westmoreland, a 17-year Calhoun veteran, has told me that Calhoun's victories in the athletic arena are a direct result of academic achievements in the classroom. Principal Westmoreland leads by example and will be greatly missed when she retires at the end of this school term. Her leadership is one of the reasons Calhoun was listed as one of America's top schools by the U.S. News and World report. Additionally, Calhoun's One Act Plays were the regional champions this year and placed third overall in the state of Georgia.

On the athletic side, I'd like to recognize the following Yellow Jacket teams for their achievements this year: Varsity Football, runner-up in the State Championships and nine time Regional Champions; Competition Cheerleading, the three time State Champions; and, Calhoun wrestler—Hunter Knight—who won a state championship this year.

Congratulations to Calhoun High School for their accomplishments on and off the field this year. Keep up the great work and go Jackets!

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise today to honor my great friend and our dear colleague, John Murtha. America has lost a true hero and patriot and the United States Congress has lost a giant. Madam Speaker, I submit for the record Keith Burris' column from the Journal Inquirer. The Journal Inquirer is a newspaper serving my home district and is the hometown voice of northern central Connecticut. Keith's words capture the essence of John Murtha, and I ask my colleagues to join with me in honoring the life of this humble man, dear friend and great American.

[From the Journal Inquirer, Feb. 13, 2010]

MUCH MAN

(By Keith C. Burris)

In roughly 30 years in journalism I have met many politicians. In the beginning, this was exciting. But after a while, you realize that most of them are persons of exceptional ambition, not exceptional conviction, skill, or patriotism. Most people in politics are not very interesting.

But a couple years ago, U.S. Rep. John Larson, himself an exception to the rule, brought to the Journal Inquirer Rep. John Murtha, of Pennsylvania. Murtha's back and forth with editors and reporters here made for one of the most fascinating hours of conversation I can remember.

Murtha died this week at 77, of a medical mistake.

There aren't many like him in Congress. There never were.

First of all, Murtha, an ex-Marine officer, was not the sort of fellow who needed a ''handler'' or a ''focus group'' to calculate the political tides. Instead he used three ancient tools—study, his mind, and his conscience.

As a fine essay, reprinted from Politico on these pages, documented, Murtha was famous for the Washington rituals he did not observe. When asked a question, he answered it. He did not hang with lobbyists or flacks. He did not go to parties, but got up early and went to bed early. (According to Politico, he would sometimes go home in the afternoon to listen to the BBC to get a fresh slant on U.S. foreign policy.) He did not court TV people or the Washington Post, and didn't particularly know or care who those people were.

And he didn't back down.

He wasn't always right. And he knew that. He had the courage to change his mind.

But he was, as the saying goes, a ''stand-up guy.'' You could not blow him down with a poll or a David Broder column.

Murtha had the understated self-confidence that the rare greats in politics have. I met Mike Mansfield, briefly, once, and you felt it from him. Ditto John Stennis. I am sure that Eisenhower had it. And maybe Ella Grasso. I know I have seen and felt it in the presence of Eugene McCarthy, Ernest Hollings, and John Glenn. Some public men seem to shed their vanity as the years accumulate and they settle into their work. They begin to internalize their love of country. Instead of politics being more and more about them, it becomes more and more about service. And they go about their work with concentration and power, but minimal fuss. You felt that with Murtha. There was no posturing in the man. He looked you dead in the eye and he told you what he thought was true and needed doing.

Murtha was much in the news when he came to see us. He was known as the military's greatest friend in Congress and he had just come out for withdrawal from Iraq. I recall him as a big man in a dark blue suit. His hands were the hands of a working man. He might have been a machinist or a farmer instead of a soldier and statesman. Someone here snickered the other day that western Pennsylvania, from whence Murtha came, was ''not really Pennsylvania, but Ohio.'' It's true in the sense that Murtha was from a hardscrabble world where people are still close to land and labor and where hard work and professionalism are what matter, not pretense, not birthright, not wealth or college degrees. It does not matter if you have a family name and an MBA from Harvard. If you want to invade Iraq, you better study the history of Iraq.

Yeah, Murtha was against abortion and for the Second Amendment and he was born in West Virginia and he owned a car wash before he got into politics. But that old Vietnam veteran could set Condoleezza Rice's head spinning and he took no guff from right-wing no-nothings. If we had 50 ''Ohioans'' like John Murtha in the House we would have health-insurance reform today.

Murtha liked fellow pros. But pros who were rooted in something. He got on well with the first George Bush and not at all with the second. He thought Donald Rumsfeld was nuts and Robert Gates a great man. He was a protégé of Tip O'Neill's and practiced O'Neill's adage that all politics is local (Murtha never got over the old and honorable idea that a congressman's first job is to provide for his constituents), but Murtha trusted Rahm Emanuel about as far as he could throw him.

Murtha spent his spare time visiting wounded soldiers at Bethesda Naval Hospital and Walter Reed. He did not take cameramen with him. When he traveled to Iraq, it was not a junket or a photo-op. He would tell the generals and ambassadors, ''no PowerPoint,'' none of that stuff. Just talk to me, he would say, and tell me what is going on. And then he would go visit with the sergeants and the specialists. He took Larson under his wing, and to Iraq, early in Larson's congressional career because ''he goes home at the end of the day and studies the CIA briefing books.''

Murtha did not love the military as a concept, but as people. Public servants like himself. His work for them in Congress was like his work for the citizens of the 12th District of Pennsylvania. He had a job to do. He was supposed to take care of his people.

He was much man, John Murtha.

What a loss to the Congress and the country.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,519,423,725,485.39.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $1,869,110,716,567.24 so far this Congress. The debt has increased $11,887,262,624.26 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO KENT M. RONHOVDE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to share with you the life and mourn the death of a remarkable public servant who dedicated his career to serving the United States Congress. Mr. Kent M. Ronhovde died on February 19 after a valiant struggle with cancer. Kent worked for 36 years at the Congressional Research Service, starting as an entry-level attorney right after law school and rising to senior management positions in the Service.

At the time of his death, Kent was Associate Director for Congressional Affairs and Counselor to the Director. In that capacity and for the last 7 years, he was the liaison between CRS and its oversight committees in the House and Senate ensuring that CRS and its congressional overseers remained in communication over the critical issues facing the Service. Regardless of changes in congressional and committee leadership, Kent ensured that there were no changes in CRS's commitment to its core values of confidentiality, authoritativeness, non-partisanship and objectivity.

This commitment to CRS values manifested itself in Mr. Ronhovde's other duties. He oversaw the Review Office, where all CRS products are reviewed for consistency with the dictates of objectivity, non-advocacy and non-partisanship. Kent and his office also counseled CRS employees and managers on the delicate questions surrounding outside speaking and writing and compliance with CRS and Library of Congress regulations and policies designed to ensure that all CRS staff maintain the ability to be seen as impartial and objective in their work for Congress. These are questions whose sensitivity is matched by their importance to CRS and to the Congress. Kent understood well the absolute necessity of CRS maintaining its reputation for objectivity. Whether reviewing a report or memo, determining the propriety of an outside activity of a CRS staff member or advising the Director of CRS on a policy question, Kent exercised the good judgment and discretion demanded by such sensitive questions, questions with potentially profound consequences for the institution.

Mr. Ronhovde's devotion to CRS' mission to serve Congress and commitment to its values infused his entire career. He joined CRS' American Law Division after graduation from Georgetown Law School in 1974, law school having been interrupted by service in Vietnam as an intelligence officer. In the American Law Division, Kent rose through the attorney ranks, became a section head in 1985 and Assistant Chief of the division in 1986. During this time, he also earned a Masters of Public Administration from American University. Kent became a senior manager in the CRS Director's Office in 1996 and assumed his latest position in 2003. His portfolio in that position—in addition to the committee liaison and policy compliance responsibilities I recounted above—touched on the most important and consequential issues facing CRS. Director Daniel P. Mulhollan stated that ''Kent provided exceptional service to the Congress and to CRS. Colleagues throughout the Library and CRS admired his careful and deliberate judgment, his insightful examination of the question at hand and his sense of equanimity and balance. The Service and I could not have had a better counsel.''

CRS and the Congress have lost a wise and devoted public servant. We extend our deepest sympathies to Kent's wife, Juliet, daughters Kristin and Brooke and their families and to all his friends and colleagues in CRS.

COMMEMORATING THE LIFE AND ACHIEVEMENTS OF FRANKIE DRAYTON THOMAS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate the life and achievements of my dear friend Frankie Drayton Thomas, who died on February 27, 2010, in West Palm Beach, Florida from a sudden heart attack. She was 81 years old. My thoughts and prayers go out to her son, James Thomas of New Carrollton, Maryland; daughter, local attorney Iola Mosley; sister, Lillie B. Drayton; brother, James Drayton; and the rest of her family and friends at this most difficult time.

Frankie Drayton Thomas, known to all as "Frankie," was born in West Palm Beach, Florida to Iola and Frank Drayton in May of 1928. She attended public schools and graduated from Industrial High School as an honor student in 1946. In 1950, Frankie graduated from Howard University in Washington, D.C. and went on to earn a Master's Degree in Public Administration from Florida Atlantic University.

A pioneer in her own right, Frankie became the first black college-trained social worker hired by the State of Florida's Department of Public Welfare. In the 1960s, she helped improve the lives of the less fortunate as a social worker in Washington State and, later, the Glades community. After years of hard work and dedicated service, Frankie rose to an administrative position in the Florida Department of Family and Youth Services. She retired from the Department of Health and Rehabilitative services as Director of Resource Development and Volunteer Services in 1995.

Frankie was a "Renaissance woman," also devoting herself to many political, social, and family endeavors. In June 1951, she and her good friend Gwendolyn Baker Rodgers cofounded Charmettes, Inc., an international organization 19-chapters-strong that unites women in the name of community strength. One of the many projects and services that she initiated as 1st Executive Director of the Charmettes is the annual contribution to the Howard University Cancer Research Center. From 1981 to present, the Charmettes have contributed nearly $350,000 dollars to this effort.

Furthermore, Frankie was the founding president of the Northwest Democratic Club in Fort Lauderdale, Florida. She has served on the Board of Directors of the Urban League and the Board of Directors of Southeast Hospice. In fact, she was the first African-American female in the country to head a Hospice Board of Directors and also served on the Board of Directors of the Girl Scouts of America. Frankie was also a member of Delta Sigma Theta and served as a Parliamentarian of the Broward County Chapter.

Well-known for her political savvy, she organized and executed many political forums and helped to elect many candidates to office, including myself, as well as most of the Broward County Commissioners and school board members, Governor Bob Graham, Sheriff Ken Jenne, Attorney General Bob Butterworth, and President Bill Clinton.

Madam Speaker, Frankie was a social worker, public servant, community leader, activist, mentor, and philanthropist. Above all, however, she was a beautiful person whose compassion and spirit touched countless lives. A great voice for humankind has been lost. Frankie was my friend and she will be missed dearly.

CONGRATULATING ZACH STRIEF OF THE NEW ORLEANS SAINTS

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mrs. SCHMIDT. Madam Speaker, I rise today to congratulate Zach Strief of the Super Bowl Champion New Orleans Saints. Zach grew up in Milford, Ohio and—despite being too big to play pee wee football and an unfulfilling first practice in high school—was recently named to the Milford High School Athletic Hall of Fame.

Zach went on to attend college at Northwestern University where he was a three-year starter. He was selected as a first-team All-American after his senior season. In 2006, Zach was selected in the seventh round of the National Football League Draft by the New Orleans Saints. Now, in his fourth season with the Saints, Zach is an important part of the Super Bowl champions.

Citizens of Ohio's Second Congressional District are certainly proud of Zach's athletic accomplishments. However, I am more impressed with his actions off the field. Recognizing a need to keep children active and wanting to give back to the community, he formed the Zach Strief Dream Big Foundation with the help of his parents, Doug and Cathy. Through this charity, Zach and his new wife have become important contributors to the rebuilding of the New Orleans community—and he has not forgotten his hometown. The Zach Strief Dream Big Foundation has focused on after school activities for children in New Orleans. And in Zach's hometown of Milford, the foundation has donated football equipment and uniforms as well as provided scholarships for children. Each summer, Zach returns to Milford High School and conducts a youth football camp that benefits his foundation.

Madam Speaker, please join me in recognizing Zach Strief for his many noteworthy accomplishments both on and off the football field. Zach is truly an inspiring leader and Ohio's Second Congressional District is proud that he is one of our own.

RECOGNIZING TONY BELL OF HARVEYVILLE, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. MORAN of Kansas. Madam Speaker, I rise today to recognize Tony Bell of Harveyville in the "Big First" Congressional District of Kansas. Tony has been selected as a "Great Comebacks Recipient" for the central region of the United States. He has been selected for this honor because of his perseverance and determination in the face of medical and physical challenges. Each year, the Great Comebacks program celebrates a group of individuals who are living with intestinal diseases or recovering from ostomy surgery.

Tony is one of over 700,000 Americans who have an ostomy, a surgical procedure that reconstructs bowel and bladder function through the use of a specially fitted medical prosthesis. Many Americans suffering from Crohn's or ulcerative colitis rely on a certain type of ostomy to function on a daily basis. Just like a prosthesis, ostomies help restore patients' ability to participate in the normal activity of daily life.

The Great Comeback Awards program raises awareness of quality-of-life issues for people with Crohn's disease, ulcerative colitis, colorectal cancer, and other diseases that can lead to ostomy surgery. While ostomy surgery is a procedure that can be life saving, it is also life-changing for these patients. The spirit and courage with which a patient embraces life after ostomy surgery is what the Great Comebacks program celebrates.

Born with a defect of his colon, Tony Bell received an ostomy after birth. The ostomy was reversed a few years later, but Tony received a permanent colostomy at 9 years of age. Following this procedure, Tony was ready to saddle up and grab life by the horns and he embraced a bright future—one he hoped would include a career as a professional bull rider from Kansas. He wasted no time, mounting his first bull at the age of 10. As Tony trained for rodeo events, he also pursued his love of music. In fact, as a high school senior, he was chosen to join the elite Kansas Ambassadors choir on a European tour.

While attending college on a singing scholarship, Tony entered the pro rodeo circuit and competed professionally for two years, even riding in the Cheyenne Frontier Days Rodeo, known as "Daddy of 'em All." Having achieved this childhood dream, Tony has set his sights on a new goal, following in his parents footsteps to become a teacher.

Throughout his life, Tony says he drew tremendous strength from his parents, who taught him to be resilient and to bounce back from whatever life throws your way. He also credits his "second family," Youth Rally, a summer camp for adolescents with an ostomy, for helping him through some rough patches in his life. He now returns to Youth Rally each summer as a counselor and enjoys providing support and encouragement to campers.

Today, Tony is 28 and lives in Harveyville, Kansas with his wife Pam and six-year-old stepdaughter Haiden. He works on the family farm and is just a few credits shy of his special education teaching degree. Tony continues to channel his musical talents by performing in a barbershop quartet with his father. An outdoor enthusiast, he enjoys skydiving and noodling (fishing for catfish with your bare hands). Tony wants to share his story of success so that others with life-changing conditions know that they are not alone and can achieve their goals with hard work, determination, and perseverance. I commend Tony on his efforts and will to help others and I congratulate him on being selected as a Great Comebacks Recipient.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. McCOLLUM. Madam Speaker, I rise today in support of H.R. 2314, the Native Hawaiian Government Reorganization Act of 2009. This act recognizes the past injustices suffered by native populations, and with this act the United States can begin to move forward with a more positive government-to-government relationship.

American Indians and Alaska Natives have the right to govern their own affairs and determine their membership. Native Hawaiians should also have the right to self-governance and self-determination.

H.R. 2314 establishes a process for federal recognition of one Native Hawaiian governing entity and authorizes negotiations between the

state of Hawaii, the U.S. government, and the new entity on future issues. It begins to reconcile the past injustices suffered by native populations and allows us to move forward with a more positive relationship.

Opponents of this bill attempt to argue that Congress is creating race-based governments. Clearly, they fail to understand the sovereignty of tribal nations. H.R. 2314 is not based on racial status, rather a political status that has existed for centuries. The bill does not exempt the governing entity from the U.S. Constitution, from federal law or from taxation. It does not transfer land or establish gaming or authorize secession. It simply and formally recognizes the sovereignty of Native Hawaiians, which should have happened a long time ago.

In the 110th Congress, I voted for a similar bill (H.R. 505) that passed the House with bipartisan support on October 24, 2007, but was never considered by the Senate.

As a member of the Congressional Native American Caucus, I urge my colleagues to support H.R. 2314, and I urge the Senate to pass this legislation.

RECOGNIZING JUDY SODERBERG

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. PAULSEN. Madam Speaker, I wish to recognize Judy Soderberg of Minnetonka, who was introduced into the 2009 Multiple Sclerosis Society Health Professionals Hall of Fame. Judy received this honor for nearly three decades of passionate work on behalf of those with MS, which included her work to help launch a first-of-its-kind, comprehensive MS center. The National MS Society recently acknowledged Judy as ''a leading advocate for the MS community, Judy empowers people touched by the disease to be their own advocates.'' I would like to thank Judy Soderberg for her commitment to bettering the MS community.

RECOGNIZING LOUISIANA STATE UNIVERSITY

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. BOUSTANY. Madam Speaker, I rise today in support of LSU and its many achievements over the last 150 years.

As a graduate of LSU medical school, I can attest to the excellence and professionalism of the faculty and to the spirited campus atmosphere that is rivaled by few in the world.

LSU continues capturing the hearts of its students just as it was since it first opened its doors in 1860. It is a place with a unique culture, rich in tradition and quality. Originally serving as a war college, LSU has grown into the flagship university of Louisiana.

Through its seven institutions of higher learning, as well as its distinguished faculty, LSU prepares countless students for the careers of distinction in Louisiana and around the world. LSU also celebrates a number of athletic achievements, including football, baseball, and track and field national championships.

In addition to its academic and athletic successes, the LSU system goes above and beyond to serve the people of Louisiana. From its tireless efforts in the aftermath of the 2005 hurricanes to its various community outreach programs, LSU makes a great deal of difference in the many communities it serves.

Throughout the years, LSU has persevered to become one of the leading educational institutions in the country. It continues to uphold excellence at every level and sets a very worthy goal of reaching the upper level of national prominence by the end of 2010.

It is my pleasure to recognize Louisiana State University and join with the thousands of current students and alumni to celebrate 150 years of excellence. Geaux Tigers!

HONORING THE LIFE OF DR. LINKWOOD WILLIAMS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of physician Linkwood Williams, a famed Tuskegee Flight instructor and Memphis physician. He was born to Mr. and Mrs. Elbert and Bessie McNeal Williams on August 29, 1918 in Bonita, Louisiana. At the age of three, he and his family moved to Madison, Illinois where he attended school through the twelfth grade, then worked with his father at a local steel mill.

Having encouragement from his father to pursue higher education, Dr. Williams applied and was accepted to study industrial arts at Tuskegee Institute in Alabama, which was one of six colleges where pilot training was offered and the only facility in the country for training black military pilots. After two years of studying, he decided to pursue full-time training in the Civilian Pilots Training Program, a program that would prepare him to quickly adapt to military aviation in the event of a national emergency. Successfully progressing through all Civilian Pilots Training courses, Dr. Williams became part of the Tuskegee Experience and went on to train many of the 450 pilots who served in the 332nd Fighter Group. The Tuskegee Airmen were the first combat group of African American pilots and flew with distinction during World War II.

At the end of the war, Dr. Williams married Katie Whitney, moved to Cleveland, Ohio, and became the third African-American to join the carpenters union. He later enrolled at Western Reserve University to complete the required pre-med courses for acceptance into medical school. Afterwards, he applied to and was accepted to Meharry Medical College in Nashville, Tennessee. During the third year of his residency, he was hired as a part-time instructor to teach Air Force ROTC cadets at Tennessee State University.

After completing his residency, Dr. Linkwood Williams moved to Memphis, Tennessee and began his OB–GYN practice, becoming the first African American OB–GYN in the city. He worked for 31 years until his retirement in 1995.

Dr. Linkwood Williams was a member of Mississippi Boulevard Christian Center, where he served in the Community Outreach Group, the American Medical Association, The Memphians, Kappa Alpha Psi Fraternity, and Sigma Pi Phi (Delta). Dr. Linkwood Williams passed away surrounded by his family on Saturday, February 20, 2010 and was laid to rest on Saturday, February 27, 2010. He was 91 years old. Dr. Williams truly left his mark on the world through his service to the citizens of Memphis, Tennessee. We are grateful to have had the pleasure of his dedication and perseverance in the community.

REMEMBERING FRANK SARRIS

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, the people of Southwestern Pennsylvania lost an icon when Frank Sarris, founder of Sarris Candies, passed away Monday. A half century ago when Frank presented his sweetheart Athena with a box of chocolates, a loving Greek-American family and a chocolate empire were born.

After giving Athena the chocolates, Frank kept thinking he could make a tastier product. He went to work in the basement of his Canonsburg home cooking up sweet desserts for friends and family. Word quickly spread of Frank's delicious concoctions. To keep up with the demand, Frank had to quit his day job as a forklift operator.

Once the people of Southwestern Pennsylvania tasted Sarris Candies, their collective sweet tooth could not be satisfied. Frank moved out of his basement and opened a shop next to his home. Eventually, he tore down his home, built a bigger chocolate factory, and moved into an apartment above it. As his chocolate delectables grew in popularity, Frank soon became known as ''Candy Man'' throughout Canonsburg and beyond.

The only son of Greek immigrants, Frank used his success to give back to the community. If there was a charitable event in Canonsburg, Frank could be counted on to donate chocolate or financial support. Children all across Pennsylvania sell Sarris Candies to raise money for school, sports, and clubs. And one does not have to travel far to find evidence of Frank's philanthropy. His legacy includes the Frank Sarris Outpatient Clinic to care for organ transplant patients, the Sarris Clinical Endowment to fund science research, and the Frank Sarris Public Library. In one way or another, Frank has touched the life of every person in Canonsburg.

Generations of Southwestern Pennsylvanians have tasted and loved Sarris Candies. Today, parents who grew up on Sarris Candies take their children to the Sarris Chocolate Factory and Ice Cream Parlour. You can see the eyes of each child light up when the homemade ice cream covered with Sarris toppings is placed before them. At that moment, each parent remembers what it is like to be a kid again.

Frank will be missed, but his memory will live on every time a person takes a bite from a Sarris candy bar or a small child walks in to the Ice Cream Parlour for the first time to order a sundae. Sweet dreams, Frank.

OBSTETRIC FISTULAS—INTL. WOMEN'S DAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 2010

Ms. DELAURO. Madam Speaker, I rise to draw our attention to a worldwide problem we could do much more to resolve: obstetric fistulas. Imagine you are 13 years old. You are married against your will to a much older man and become pregnant. When the baby is due, you have no medical care. Your body is too small. The baby gets stuck. You nearly die.

But instead, you wake up to learn that it is your baby who has died, and you now have a fistula—a hole caused by the days of prolonged labor and resulting rotting away of internal tissue. You are incontinent and cannot walk. You are shunned by your husband and your village. It is hard to imagine being so alone.

But this is the real story of Mahabouba, a young girl in Ethiopia. And an estimated 2 million women like her suffer from obstetric fistulas—though we need much better data on this problem. They have suffered in this unspeakable way because they lacked maternity care, or were married too young, or even because their husbands would not let them go to the hospital.

As we mark this day, let us raise our voices for these women. Let us commit our power and our compassion to providing life-saving maternity care and to preventing these tragedies. Let us help them to stand up and bring new hope for their future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 4, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 5

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for February 2010.
SD–106

MARCH 9

9:30 a.m.
Armed Services
To hold hearings to examine U.S. European Command, U.S. Africa Command, and U.S. Joint Forces Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR–222 following the open session.
SH–216

Appropriations
Interior, Environment, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of the Interior.
SD–124

Veterans' Affairs
To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.
SDG–50

10 a.m.
Energy and Natural Resources
To hold hearings to examine financial transmission rights and other electricity market mechanisms.
SD–366

Finance
To hold hearings to examine United States preference programs, focusing on options for reform.
SD–215

Environment and Public Works
Superfund, Toxics and Environmental Health Subcommittee
To hold hearings to examine business perspectives on reforming U.S. chemical safety laws.
SD–406

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine Elementary and Secondary Education Act (ESEA) reauthorization, focusing on K–12 education for economic success.
SD–430

2:30 p.m.
Intelligence
To hold a closed meeting to consider certain intelligence matters.
SH–219

MARCH 10

Time to be announced
Health, Education, Labor, and Pensions
To hold hearings to examine the nominations of Patrick K. Nakamura, of Alabama, to be a Member of the Federal Mine Safety and Health Review Commission, Gwendolyn E. Boyd, of Maryland, and Peggy Goldwater-Clay, of California, both to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, and Sharon L. Browne, of California, Charles Norman Wiltse Keckler, of Virginia, and Victor B. Maddox, of Kentucky, all to be a Member of the Board of Directors of the Legal Services Corporation.
Room to be announced

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine S. 1696, to require the Secretary of Energy to conduct a study of video game console energy efficiency, S. 2908, to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, S. 3059, to improve energy efficiency of appliances, lighting, and buildings, and S. 3054, to amend the Energy Policy and Conservation Act to establish efficiency standards for bottle-type water dispensers, commercial hot food holding cabinets, and portable electric spas.
SD–366

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine Department of Defense health programs.
SD–192

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine U.S. government efforts to counter violent extremism and the role of the U.S. military in those efforts.
SR–222

Foreign Relations
To hold hearings to examine new directions in global health.
SD–419

Homeland Security and Governmental Affairs
To hold hearings to examine the lessons and implications of the Christmas day attack, focusing on watchlisting and pre-screening.
SD–342

Judiciary
To hold hearings to examine corporate spending in American elections after Citizens United.
SD–226

10:15 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the National Nuclear Security Administration.
SD–116

10:30 a.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–232A

2 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Health and Human Services.
SD–124

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine advancing American innovation and competitiveness.
SR–253

Foreign Relations
International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee
To hold hearings to examine the future of U.S. public diplomacy.
SD–419

Judiciary
To hold hearings to examine certain nominations.
SD–226

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2895, to restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, S. 2907, to establish a coordinated avalanche protection program, S. 2966 and H.R. 4474, bills to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and S. 2791 and H.R. 3759, bills to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers.
SD–366

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the military space programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.
SR–232A

MARCH 11

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR–222 following the open session.
SD–G50

10 a.m.
Energy and Natural Resources
To hold hearings to examine legislative proposals designed to create jobs related to energy efficiency, including proposed legislation on energy efficient building retrofits.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine pay equity in the new American workplace.
SD–430

11 a.m.
Homeland Security and Governmental Affairs
State, Local, and Private Sector Preparedness and Integration Subcommittee
To hold hearings to examine U.S. officials involved in drug cartels.
SD–342

2:30 p.m.
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

MARCH 16

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Special Operations Command and U.S. Central Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SH–216

10 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111–11) and the Bureau of Reclamation's WaterSMART program which includes the WaterSMART Grant Program, the Basin Study Program and the Title XVI Program.
SD–366

2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine assessing foster care and family services in the District of Columbia, focusing on challenges and solutions.
SD–342

MARCH 17

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 553, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, S. 1017, to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana, S. 1018, to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, S. 1537, to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, S. 1629, to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, S. 2892, to establish the Alabama Black Belt National Heritage Area, S. 2933, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, S. 2951, to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and H.R. 3804, to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities.
SD–366

MARCH 18

9:30 a.m.
Veterans' Affairs
To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.
SDG–50

MARCH 23

9:30 a.m.
Armed Services
To hold hearings to examine U.S. Pacific Command, U.S. Strategic Command, and U.S. Forces Korea in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session.
SH–216

MARCH 24

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans' Affairs plan for ending homelessness among veterans.
SR–418

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S973–S1123

Measures Introduced: Eleven bills and four resolutions were introduced, as follows: S. 3060–3070, and S. Res. 430–433. **Pages S1017–18**

Measures Considered:

Tax Extenders Act—Agreement: Senate continued consideration of H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, taking action on the following amendments proposed thereto: **Pages S973–S1013**

Rejected:

Grassley Modified Amendment No. 3352 (to Amendment No. 3336), to improve the bill.

(By 54 yeas to 45 nays (Vote No. 34), Senate tabled the amendment.) **Pages S976–78, S995, S998–99**

Bunning Amendment No. 3360 (to Amendment No. 3336), to offset the cost of the bill.

(By 56 yeas to 41 nays (Vote No. 37), Senate tabled the amendment.) **Pages S981–84, S1010–11**

Bunning Amendment No. 3361 (to Amendment No. 3336), to provide additional offsets.

(By 61 yeas to 36 nays (Vote No. 38), Senate tabled the amendment.) **Pages S981–84, S1011**

Pending:

Baucus Amendment No. 3336, in the nature of a substitute. **Pages S973, S996–97, S1011**

Sessions Amendment No. 3337 (to Amendment No. 3336), to reduce the deficit by establishing discretionary spending caps. **Pages S973, S980**

Landrieu Modified Amendment No. 3335 (to Amendment No. 3336), to amend the Internal Revenue Code of 1986 to extend the low-income housing credit rules for buildings in GO Zones. **Pages S973, S1003–04**

Reid (for Murray) Amendment No. 3356 (to Amendment No. 3336), to provide funding for summer employment for youth. **Pages S973–74, S984–86**

Coburn Amendment No. 3358 (to Amendment No. 3336), to require the Senate to be transparent with taxpayers about spending. **Page S997**

Baucus (for Webb/Boxer) Amendment No. 3342 to (Amendment No. 3336), to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses. **Page S997**

Stabenow Amendment No. 3382 (to Amendment No. 3336), to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain American jobs through new domestic investments. **Pages S1001–03**

Feingold/Coburn Amendment No. 3368 (to Amendment No. 3336), to provide for the rescission of unused transportation earmarks and to establish a general reporting requirement for any unused earmarks. **Pages S1004–05**

Brown (MA) Amendment No. 3391 (to Amendment No. 3336), to provide for a 6-month employee payroll tax rate cut. **Page S1005**

Burr Amendment No. 3389 (to Amendment No. 3336), to provide Federal reimbursement to State and local Governments for a limited sales, use, and retailers' occupation tax holiday, and to offset the cost of such reimbursements. **Pages S1005–06**

During consideration of this measure today, Senate also took the following action:

By 38 yeas to 61 nays (Vote No. 33), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 311 of the Congressional Budget Act of 1974, with respect to Thune Further Modified Amendment No. 3338 (to Amendment No. 3336), to create additional tax relief for businesses. Subsequently, the point of order that the amendment was in violation of section 311 of the Congressional Budget Act of 1974, was sustained, and the amendment was ruled out of order. **Pages S986–92, S995–96, S997–98**

By 38 yeas to 59 nays (Vote No. 35), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to the emergency provisions of the Congressional Budget Act of 1974, with respect to Burr Amendment No. 3390 (to Amendment No. 3336), to provide an emergency benefit of $250 to seniors, veterans, and persons with disabilities in

2010 to compensate for the lack of cost-of-living adjustment for such year, to provide an offset using unobligated stimulus funds. Subsequently, the Chair sustained a point of order against Burr Amendment No. 3390 (to Amendment No. 3336) as being in violation of the Pay-As-You-Go provision in S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, and the amendment thus fell.

Pages S1006–09

By 47 yeas to 50 nays (Vote No. 36), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Reid (for Sanders) Modified Amendment No. 3353 (to Amendment No. 3336), to provide an emergency benefit of $250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of cost-of-living adjustment for such year. Subsequently, the Chair sustained a point of order against Reid (for Sanders) Modified Amendment No. 3353 (to Amendment No. 3336), as being in violation of section 201 of S. Con. Res. 21 of the 110th Congress, and the amendment thus fell.

Pages S974–76, S978–80, S992–95, S1009–10

By 60 yeas to 37 nays (Vote No. 39), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, with respect to Baucus Amendment No. 3336, in the nature of a substitute. Thus, the point of order raised was not sustained. **Pages S1011–12**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, March 4, 2010. **Page S1113**

Nominations Confirmed: Senate confirmed the following nominations:

Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

Lillian A. Sparks, of Maryland, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

Paul R. Verkuil, of Florida, to be Chairman of the Administrative Conference of the United States for the term of five years.

Eileen Chamberlain Donahoe, of California, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council.

Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

Julie Simone Brill, of Vermont, to be a Federal Trade Commissioner for the term of seven years from September 26, 2009.

Edith Ramirez, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2008. **Page S1113**

Nominations Received: Senate received the following nominations:

Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit.

Kenneth J. Gonzales, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Michael C. Ormsby, of Washington, to be United States Attorney for the Eastern District of Washington for the term of four years.

Willie Ransome Stafford III, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

James L. Taylor, of Virginia, to be Chief Financial Officer, Department of Labor.

Routine lists in the Air Force, Army, Marine Corps, and Navy. **Pages S1113–23**

Messages from the House: **Pages S1016–17**

Measures Referred: **Page S1017**

Executive Communications: **Page S1017**

Executive Reports of Committees: **Page S1017**

Additional Cosponsors: **Pages S1018–19**

Statements on Introduced Bills/Resolutions: **Pages S1019–32**

Additional Statements: **Pages S1015–16**

Amendments Submitted: **Pages S1032–S1112**

Notices of Hearings/Meetings: **Page S1112**

Authorities for Committees to Meet: **Pages S1112–13**

Privileges of the Floor: **Page S1113**

Record Votes: Seven record votes were taken today. (Total—39) **Pages S998–99, S1009–12**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:57 p.m., until 9:30 a.m. on Thursday, March 4, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1113.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF THE ARMY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Army, after receiving testimony from John M. McHugh, Secretary of the Army, and General George W. Casey Jr., Chief of Staff, United States Army, both of the Department of Defense.

APPROPRIATIONS: ENVIRONMENTAL PROTECTION AGENCY

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2011 for the Environmental Protection Agency, after receiving testimony from Lisa P. Jackson, Administrator, Environmental Protection Agency.

PROTECTIVE FORCES AT THE DEPARTMENT OF ENERGY

Committee on Armed Services: Subcommittee on Strategic Forces concluded a hearing to examine the protective forces at the Department of Energy, focusing on analyzed information on the management and compensation of protective forces, the implementation of Tactical Response Force (TRF), and the Department of Energy's two options to more uniformly manage Department of Energy protective forces, after receiving testimony from Eugene E. Aloise, Director, Office of Natural Resources and Environment, Government Accountability Office; Glenn S. Podonsky, Director, Office of Health, Safety and Security, Department of Energy; and Mike Stumbo, National Council of Security Police, Amarillo, Texas.

GUANTANAMO DETENTION FACILITY

Committee on Armed Services: Committee met to receive a closed briefing on policies, procedures, and practices relating to the transfer of detainees held at the Guantanamo Detention Facility, after receiving testimony from William J. Lynn, Deputy Secretary, and General James E. Cartwright, USMC, Vice Chairman of the Joint Chiefs of Staff, both of the Department of Defense; Daniel Fried, Special Envoy for Guantanamo, Office of the Secretary of State; Matthew G. Olsen, Executive Director, Guantanamo Detainee Review Task Force, Office of the Attorney General, Department of Justice; and Charles W. Alsup, Assistant Deputy Director of National Intelligence for Customer Requirements.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the President's proposed budget request for fiscal year 2011 for the National Oceanic and Atmospheric Administration and Fisheries Enforcement Programs and Operations, after receiving testimony from Jane Lubchenco, Under Secretary for Oceans and Atmosphere, and Adminstrator, National Oceanic and Atmospheric Administration, and Todd J. Zinser, Inspector General, both of the Department of Commerce.

DEPARTMENT OF THE INTERIOR BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior, after receiving testimony from Ken Salazar, Secretary, David Hayes, Deputy Secretary, and Pam Haze, Deputy Assistant Secretary for Budget, Finance, Performance Management, and Acquisition, all of the Department of the Interior.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Larry Persily, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and Patricia A. Hoffman, of Virginia, to be Assistant Secretary of Energy for Electricity Delivery and Energy Reliability.

TRANSPORTATION INVESTMENTS

Committee on Environment and Public Works: Committee concluded a hearing to examine transportation investments relative to the national economy and jobs, after receiving testimony from Pete K. Rahn, Missouri Department of Transportation, Jefferson City, on behalf of the American Association of State Highway and Transportation Officials; William R. Buechner, American Road and Transportation Builders Association, and Raymond J. Poupore, National Construction Alliance II, both of Washington, D.C.; and Tom Foss, Griffith Company, Brea, California, on behalf of the Associated General Contractors of America.

UNITED STATES TRADE AGENDA

Committee on Finance: Committee concluded a hearing to examine the 2010 trade agenda, after receiving testimony from Ron Kirk, United States Trade Representative, Executive Office of the President.

CHEMICAL SECURITY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine

chemical security, focusing on assessing progress and charting a path forward, including S. 2996, to extend the chemical facility security program of the Department of Homeland Security, and H.R. 2868, to amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, after receiving testimony from Rand Beers, Under Secretary, National Protection and Programs Directorate, and Sue Armstrong, Acting Deputy Assistant Secretary for Infrastructure Protection, both of the Department of Homeland Security; Peter S. Silva, Assistant Administrator for Water, Environmental Protection Agency; Darius D. Sivin, International Union, UAW, Washington, D.C.; Timothy J. Scott, Dow Chemical Company, Freeport, Texas, on behalf of the American Chemistry Council; and Stephen Poorman, FUJIFILM Imaging Colorants Ltd., New Castle, Delaware, on behalf of the Society of Chemical Manufacturers and Affiliates.

MEDICARE PRESCRIPTION DRUG PROGRAM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine oversight challenges in the Medicare prescription drug program, focusing on Centers for Medicare & Medicaid Services (CMS) oversight of Part D sponsors' fraud and abuse programs, including its past efforts and planned oversight activities, after receiving testimony from Kathleen M. King, Director, Health Care, Government Accountability Office; Robert Vito, Regional Inspector General for Evaluation and Inspections, Office of the Inspector General, and Jonathan Blum, Director, Center for Medicare Management, Acting Director, Center for Drug and Health Plan Choice, Centers for Medicare & Medicaid Services, both of the Department of Health and Human Services; Howard B. Apple, SafeGuard Services, LLC, Muncie, Indiana; and Christian Jensen, Quality Health Strategies, New Brunswick, New Jersey.

CRIME REDUCING STRATEGIES

Committee on the Judiciary: Committee concluded a hearing to examine encouraging innovative and cost-effective crime reduction strategies, after receiving testimony from Chief Michael E. Schirling, Burlington Police Department, Burlington, Vermont; Chief Rodney Monroe, Charlotte-Mecklenburg Police Department, Charlotte, North Carolina; Chief Dean M. Esserman, Providence Police Department, Providence, Rhode Island; Chief Patrick J. Berarducci, Medina Police Department, Medina, Ohio; and David B. Muhlhausen, Heritage Foundation Center for Data Analysis, Washington, D.C.

VETERANS MENTAL HEALTH CARE AND SUICIDE PREVENTION

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine mental health care and suicide prevention for veterans, after receiving testimony from Gerald M. Cross, Acting Principle Deputy Under Secretary for Health, Janet Kemp, National Suicide Prevention Coordinator, Caitlin Thompson, Clinical Care Coordinator, Antonette Zeiss, Deputy Chief, Office of Research and Development, and Theresa Gleason, Associate Deputy Chief Consultant and Chief Psychologist, both of Mental Health Services, and Al Batres, Director for Readjustment Counseling for Veterans Centers, all of the Veterans Health Administration, Department of Veterans Affairs; M. David Rudd, University of Utah College of Social and Behavioral Science, Salt Lake City; Clarence Jordan, National Alliance on Mental Illness, Arlington, Virginia; and Daniel J. Hanson, South Saint Paul, Minnesota.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 4735–4752; and 4 resolutions, H.J. Res. 79; H. Con. Res. 246; and H. Res. 1135–1136 were introduced. **Pages H1102–03**

Additional Cosponsors: **Pages H1103–05**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Schakowsky to act as Speaker pro tempore for today. **Page H1031**

Chaplain: The prayer was offered by the guest Chaplain, Imam Abdullah Antepli, Duke University, Durham, North Carolina. **Page H1031**

Committee Leave of Absence: Read a letter from Representative Rangel wherein he requested a leave of absence from his duties and responsibilities as Chairman of the Committee on Ways and Means.

Page H1031

Suspensions: The House agreed to suspend the rules and pass the following measures:

Encouraging individuals across the United States to participate in the 2010 Census: H. Res. 1096, amended, to encourage individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and to express support for designation of March 2010 as Census Awareness Month, by a ⅔ recorded vote of 409 ayes to 1 no with 1 voting "present", Roll No. 80; **Pages H1035–37, H1046–47**

Expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas: H. Res. 1127, to express concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas, by a ⅔ yea-and-nay vote of 408 yeas to 2 nays, Roll No. 83;

Pages H1043–45, H1064–65

Supporting the goals and ideals of the fourth annual America Saves Week: H. Res. 1082, to support the goals and ideals of the fourth annual America Saves Week; **Pages H1069–71**

National Association of Registered Agents and Brokers Reform Act: H.R. 2554, amended, to reform the National Association of Registered Agents and Brokers; **Pages H1071–76**

Authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots: H. Con. Res. 239, to authorize the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots; **Pages H1076–78**

Permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust: H. Con. Res. 236, to permit the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; **Pages H1078–79**

Trademark Technical and Conforming Amendment Act of 2010: S. 2968, to make certain technical and conforming amendments to the Lanham Act; and **Pages H1079–81**

Commending and congratulating the California State University system on the occasion of its 50th anniversary: H. Res. 1117, to commend and congratulate the California State University system on the occasion of its 50th anniversary. **Pages H1081–84**

Keeping All Students Safe Act: The House passed H.R. 4247, to prevent and reduce the use of physical restraint and seclusion in schools, by a yea-and-nay vote of 262 yeas to 153 nays, Roll No. 82.

Pages H1048–64

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. **Page H1048**

Agreed to:

George Miller (CA) amendment (printed in part A of H. Rept. 111–425) that changes the short title of the bill and makes minor technical edits and

Page H1062

Flake amendment (printed in part B of H. Rept. 111–425) that presumes that grants awarded under this Act will be awarded using competitive, merit-based procedures, and requires that if a non-competitive basis is used, the Secretary of Education must report to Congress the reason why competition was not used. It also requires that no funds appropriated under this Act may be used for a congressional earmark, as defined in clause 9e of rule XXI of the Rules of the House of Representatives (by a yea-and-nay vote of 391 yeas to 24 nays, Roll No. 81).

Pages H1062–63

H. Res. 1126, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 228 yeas to 184 nays, Roll No. 78, after the previous question was ordered without objection.

Pages H1037–42, H1045–46

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, March 2nd:

Congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009: H. Res. 747, to congratulate the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 79. **Page H1046**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Congratulating the National Football League Champion New Orleans Saints: H. Res. 1079, amended, to congratulate the National Football League Champion New Orleans Saints for winning

Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history.

Pages H1065–69

Quorum Calls—Votes: Five yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H1045–46, H1046, H1047, H1063, H1063–64, H1064–65. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:10 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Ordered reported the following bills: H.R. 3509, Agricultural Credit Act of 2009; and H.R. 3954, Florida National Forest Land Adjustment Act of 2009.

The Committee also approved Fiscal Year 2011 Budget Views and Estimates Letter to the Committee on the Budget.

COMMODITY EXCHANGE ACT AMENDMENTS

Committee on Agriculture: Subcommittee on General Farm, Commodities and Risk Management held a hearing to review implementation of changes to the Commodity Exchange Act contained in the 2008 Farm Bill. Testimony was heard from Gary Gensler, Chairman, CFTC.

DON'T ASK, DON'T TELL REPEAL PLAN

Committee on Armed Services: Subcommittee on Military Personnel held a hearing to review the Department of Defense process for assessing the requirements to implement repeal of "Don't Ask, Don't Tell." Testimony was heard from the following officials of the Department of Defense: Clifford L. Stanley, Under Secretary, Personnel and Readiness; GEN Carter F. Ham, USA, Commanding General, U.S. Army Europe; and Jeh C. Johnson, General Counsel, both with the Co-Chairs Don't Ask, Don't Tell Working Group.

NAVY SHIPBUILDING PLAN

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on the Fiscal Year 2011 National Defense Authorization Budget Request for the Department of the Navy shipbuilding acquisition programs. Testimony was heard from the following officials of the Department of the Navy, Department of Defense: Sean Stackley, Assistant Secretary, Research, Development, and Acquisition; VADM John Terence Blake, USN, Deputy Chief of Naval Operations, Integration of Capabilities and Resources; and LTG, George J. Flynn, USMC, Deputy Commandant, Combat Development and Integration.

MEMBERS' DAY

Committee on the Budget: Held a hearing on Member's Day. Testimony was heard from Representatives Teague, Bordallo, Christensen, Olson, Altmire, Kirkpatrick of Arizona, Clarke, Loebsack, Klein of Florida, Inglis, Pomeroy, Sherman, Johnson of Georgia, Engel, Davis of Illinois, Lee of California, Kosmas, Posey, Halvorson, Filner, Sutton, Walz, McMahon, Tonko, Quigley, McGovern, Titus, Owens, Markey of Colorado, Giffords, Holt, Perriello, McCarthy of New York, Gene Green of Texas. Woolsey, Mica, Richardson and Peters.

EDUCATION REFORM AND INNOVATION

Committee on Education and Labor, Held a hearing with U.S. Secretary of Education on Building a Stronger Economy: Spurring Reform and Innovation in American Education. Testimony was heard from Arne Duncan, Secretary of Education.

BUDGET VIEWS AND ESTIMATES

Committee on Financial Services: Approved Committee Print entitled "Views and Estimates of the Committee on Financial Services on Matters to be Set Forth in the Concurrent Resolution on the Budget for Fiscal Year 2011."

U.S. GLOBAL DEVELOPMENT POLICY USAID BUDGET

Committee on Foreign Affairs: Held a hearing on U.S. Policies and Programs for Global Development: USAID and the Fiscal Year 2011 Budget. Testimony was heard from Rajiv Shah, Administrator, U.S. Agency For International Development, Department of State.

EAST ASIA-PACIFIC REGIONAL REVIEW

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific and the Global Environment held a hearing on Regional Overview of East Asia and the Pacific. Testimony was heard from Kurt M. Campbell, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

HOMELAND SECURITY SCIENCE/ TECHNOLOGY DIRECTORATE

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled: "The Department of Homeland Security's Science and Technology Directorate." Testimony was heard from Tara O'Toole, Under Secretary, Science and Technology, Department of Homeland Security.

CUBA PRE-REVOLUTION TRADEMARK PROTECTION

Committee on the Judiciary: Held a hearing on Domestic and International Trademark Implications of HAVANA CLUB and Section 211 of the Omnibus Appropriations Act of 1999. Testimony was heard from public witnesses.

IMPROVING FISHERIES LAW ENFORCEMENT

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held an oversight hearing entitled "Setting the Bar for Accountability: Improving NOAA Fisheries Law Enforcement Programs and Operations." Testimony was heard from Representatives Frank of Massachusetts, Jones and Tierney; the following officials of the Department of Commerce: Jane Lubchenco, Under Secretary, Oceans and Atmosphere and Administrator, NOAA; and Todd J. Zinser, Inspector General; and public witnesses.

TRANSNATIONAL DRUG ENTERPRISES

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled "Transnational Drug Enterprises (Part II): U.S. Government Perspectives on the Threats to Global Stability and U.S. National Security." Testimony was heard from R. Gil Kerlikowske, Director, Office of National Drug Control Policy; David T. Johnson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement, Department of State; Anthony P. Placido, Assistant Administrator and Chief of Intelligence, Drug Enforcement Administration, Department of Justice; Adam J. Szubin, Director, Office of Foreign Assets Control, Department of the Treasury; and William F. Wechsler, Deputy Assistant Secretary, Counternarcotics and Global Threats, Department of Defense.

ENERGY RESEARCH/DEVELOPMENT BUDGET

Committee on Science and Technology: Held a hearing on the Department of Energy Fiscal Year 2011, Research and Development Budget Proposal. Testimony was heard from Steven Chu, Secretary of Energy.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 4714, amended, National Transportation Safety Board Reauthorization Act of 2010; H.R. 4715, Clean Estuaries Act of 2010; H.R. 4275, amended, To designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold United States Judicial Administration Building;" H. Res. 1125, Supporting the goals and ideals of National Public Works Week, and for other purposes; and H. Res. 1062, amended, Recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, and for other purposes.

The Committee approved the Fiscal Year 2011 Budget Views and Estimates of the Committee on Transportation and Infrastructure.

WATER RESOURCES DEVELOPMENT REVIEW OF IMPLEMENTATION

Committee on Transportation and Infrastructure: Held a hearing on the Water Resources Development Act of 2007: A Review of Implementation in Its Third Year. Testimony was heard from the following officials of the Department of the Army, Department of Defense: Jo-Ellen Darcy, Assistant Secretary (Civil Works); and LTG Robert L. Van Antwerp, Commanding General, U.S. Army Corps of Engineers; and public witnesses.

STATE VETERANS HOMES PAYMENT FLEXIBILITY

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on H.R. 4241, To amend chapter 17 of title 38, United States Code, to allow for increased flexibility in payments to State veterans homes. Testimony was heard from James F. Burris, M.D., Chief Consultant, Geriatrics and Extended Care, Veterans Health Administration, Department of Veterans Affairs, and representative of veterans organizations.

BRIEFING—SRP WRAP-UP

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to receive a briefing on SRP Wrap-Up. The Subcommittee was briefed by departmental witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D172)

H.R. 4691, to provide a temporary extension of certain programs. Signed on March 2, 2010. (Public Law 111–144)

COMMITTEE MEETINGS FOR THURSDAY, MARCH 4, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Transportation, 9:30 a.m., SD–124.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine funding and oversight of the Department of Commerce, 10 a.m., SD–138.

Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Energy, 10 a.m., SD–192.

Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2011 for the Office of the Secretary of the Senate, the Office of the Senate Sergeant at Arms, and the Office of the U.S. Capitol Police, 2:30 p.m., SD–138.

Committee on Armed Services: to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Air Force in review of the Defense Authorization and the Future Years Defense Program; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SH–216.

Committee on the Budget: to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Defense, 2 p.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Transportation, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the Department of Energy's implementation of programs authorized and funded under the American Recovery and Reinvestment Act of 2009, 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the nominations of William D. Magwood, IV, of Maryland, William Charles Ostendorff, of Virginia, and George Apostolakis, of Massachusetts, all to be a Member of the Nuclear Regulatory Commission, Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency, Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission, Sandford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission, and Marilyn A. Brown, of Georgia, Barbara Short Haskew, of Tennessee, Neil G. McBride, of Tennessee, and William B. Sansom, of Tennessee, all to be a Member of the Board of Directors of the Tennessee Valley Authority, Time to be announced, Room to be announced.

Full Committee, with the Subcommittee on Clean Air and Nuclear Safety, to hold joint hearings to examine S. 2995, to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine Middle East peace, focusing on ground truths, challenges ahead, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine childhood obesity, focusing on reversing the epidemic, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine disaster preparedness in the private sector, 1 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 1789, to restore fairness to Federal cocaine sentencing, S. 2772, to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 148, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act, and the nominations of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, Department of Justice, and Gloria M. Navarro, to be United States District Judge for the District of Nevada, Audrey Goldstein Fleissig, to be United States District Judge for the Eastern District of Missouri, Lucy Haeran Koh, to be United States District Judge for the Northern District of California, Jon E. DeGuilio, to be United States District Judge for the Northern District of Indiana, and Jane E. Magnus-Stinson and Tanya Walton Pratt, both to be United States District Judge for the Southern District of Indiana, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: business meeting to consider S. 2989, to improve the Small Business Act, 10 a.m., SR–485.

Committee on Veterans' Affairs: to hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the

Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project, 9:30 a.m., 345 Cannon Building.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Child Nutrition, 10 a.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, Science and Related Agencies, on Fiscal Year 2011 Budget for the Alcohol, Tobacco, Firearms and Explosives, 10 a.m., H–310 Capitol, and on Fiscal Year 2011 Budget for the Department of Commerce, 2 p.m. 2359 Rayburn.

Subcommittee on Defense, executive, on Contingency Transportation and Logistics Issues, 10 a.m., H–140 Capitol.

Subcommittee on Energy and Water Development, and Related Agencies, on Fiscal Year 2011 Budget for Nuclear Nonproliferation, DOE, 10 a.m., 2362–B Rayburn.

Subcommittee on Financial Services, and General Government, on Fiscal Year 2011 Budget for the Consumer Product Safety Commission, 10 a.m., B–308 Rayburn.

Subcommittee on Homeland Security, on DHS Intelligence Programs and the Effectiveness of State and Local Fusion Centers, 10 a.m., 2358–A Rayburn.

Subcommittee on Homeland Security, on Fiscal Year 2011 Budget for Transportation Security Administration: Are We Making Smart Investments for Real Transportation Security? 2 p.m., B–318 Rayburn.

Subcommittee on Interior and Environment, and Related Agencies, on Strengthening Native American Communities: Fiscal Year 2011 Budget for Trust Resources and the Bureau of Indian Affairs, 2 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, overview hearing on Combating Health Care Fraud and Abuse, 2 p.m., 2358–C Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Fiscal Year 2011 Budget for the Department of Veterans Affairs, 10 a.m., 2359 Rayburn.

Subcommittee on State and Foreign Operations, and Related Programs, on U.S. Agency for International Development, 10:30 a.m., 2358–B Rayburn.

Committee on the Budget, hearing on Defense Department Fiscal Year 2011 Budget, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on TSCA and Persistent, Bioaccumulative, and Toxic Chemicals: Examining Domestic and International Actions, 10 a.m., 2322 Rayburn.

Subcommittee on Communications, Technology, and the Internet, to continue hearings entitled "Oversight of the American Recovery and Reinvestment Act: Broadband, Part 3," 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, hearing entitled "Haiti Debt Relief," followed by consideration of H.R. 4573, Debt Relief for Earthquake Recovery in Haiti Act of 2010, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up H. Res. 252, Affirmation of the United States Record on the Armenian Genocide Resolution, 10 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights and Oversight, hearing on Restoring America's Reputation in the World: Why It Matters, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on the Enforcement of the Criminal Laws Against Medicare and Medicaid Fraud, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans and Wildlife, oversight hearing on the President's Fiscal Year 2011 budget request for the United States Fish and Wildlife Service, 10 a.m., 1334 Longworth.

Subcommittee on Water and Power, oversight hearing on the President's Fiscal Year 2011 Budget request for the Power Marketing Administrations, U.S. Department of Energy, 2 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, to mark up the following measures: H.R. 4098, Secure Federal File Sharing Act; H.R. 572, Contracting and Tax Accountability Act of 2009; H.R. 946, Plain Language Act of 2009; and H.R. 4621, Prevent Deceptive Census Look Alike Mailings Act; H. Res. 1036, Recognizing the contributions of Korean Americans to the United States; H.R. 4214, To designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office;" H.R. 4547, To designate the facility of the United States Postal Service at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith U.S. Army Air Forces Post Office;" H.R. 4628, To designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building;" H.R. 4624, To designate the facility of the United States Postal Service at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office;" and H. Res. 1086, Recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census; followed by a hearing entitled "Prostate Cancer: New Questions About Screening and Treatment," 9:30 a.m., 2154 Rayburn.

Subcommittee on Domestic Policy, hearing entitled "Continuing Problems in USDA's Enforcement of the Humane Methods of Slaughter Act," 2 p.m., 2154 Rayburn.

Committee on Science and Technology, hearing on Reform in K–12 STEM Education, 10 a.m., 2318 Rayburn.

Committee on Small Business, to mark up the Committee's Views and Estimates for Fiscal Year 2011, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on U.S. Mayors Speak Out: Addressing Disasters in Cities, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Agency Budgets and Priorities for Fiscal Year 2011, 10 a.m., 2167 Rayburn.

Committee on Veterans Affairs, Subcommittee on Economic Opportunity, to mark up the following bills: H.R. 3948, Test Prep for Heroes Act; H.R. 3484, To amend title 38, United States Code, to extend the authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs; H.R. 3976, Helping Heroes Keep Their Homes Act of 2009; H.R. 4079, To amend title 38, United States Code, to temporarily remove the requirement for employers to increase wages for veterans enrolled in on-the-job training programs; H.R. 4592, To provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; H.R. 950, To amend chapter 33 of title 38, United States Code, to increase educational assistance for certain veterans pursuing a program of education offered through distance learning; H.R. 3561, To amend title 38, United States Code, to increase the amount of educational assistance provided to certain veterans for flight training; H.R. 3577, Education Assistance to Realign New Eligibilities for Dependents (EARNED) Act of 2009; H.R. 3579, To amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans Affairs, and for other purposes; H.R. 1879, National Guard Employment Protection Act of 2009; and H.R. 1169, To amend title 38, United States Code, to increase the amount of assistance provided by the Secretary of Veterans Affairs to disabled veterans for specially adapted housing and automobiles and adapted equipment, 1:30 p.m., 334 Cannon.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, March 4

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 4213, Tax Extenders Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, March 4

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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