(i) the owner of record for each Native allotment; or

(ii) if the owner of record is deceased, the heir or assign of the owner of record; and

(E) publish in the Federal Register and any newspaper of general circulation within the service area of the Association and location of the relevant allotment—

(i) notice of the compensation procedure established by this subsection; and

(ii) with respect to a Native allotment described in section 2(2)(A)(ii), the location of the right-of-way, as prepared by the Association and provided to the Secretary, in accordance with any requirements established by the Secretary.

(2) CALCULATION OF PAYMENTS.—

(A) IN GENERAL.—For purposes of calculating the amount of compensation required under paragraph (1)(B), the Secretary shall determine, with respect to a portion of a Native allotment encumbered by a right-of-way—

(i) compensation for each right-of-way based on an appraisal conducted in conformity with the version of the Uniform Appraisal Standards for Federal Land Acquisitions that is correct as of the date of the compensation proceeding; and

(ii) interest calculated based on the section 3116 of title 40, United States Code.

(B) DATE OF VALUATION.—For purposes of subparagraph (A), the date of valuation of the acquisition by the Association of each right-of-way shall be considered to be the date of enactment of this Act.

(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, judicial review under this subsection shall be limited to a review of the determination of the Secretary under paragraph (2) regarding the compensation for a right-of-way over a Native allotment.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 865, introduced by the gentleman from Alaska, Representative DON YOUNG, would resolve a longstanding conflict between Alaska Native land titles and utility rights-of-way in Alaska. This legislation is in response to a September 2004 GAO report entitled, ''Alaska Native Allotments: Conflicts With Utility Rights-of-Way Have Not Been Resolved Through Existing Remedies.''

Although the Copper Valley Electric Association, a rural non-profit electrical cooperative, holds rights-of-way granted in the 1950s and 1960s, and built electric lines prior to the filing of the Alaska Native allotment claims, there is a conflict with land titles subsequently issued under the Alaska Native Allotment Act. In essence, H.R. 865 resolves that conflict by ratifying the existing rights-of-way across 14 specified Native allotments and providing for fair market value compensation for the landowners. As amended, the bill provides that the compensation, which is estimated by CBO to be no more than $150,000, is subject to appropriations. We have no objection to H.R. 865.

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

Mr. PEARCE. Mr. Speaker, I rise in support of H.R. 865. The majority, Mr. GRIJALVA, has adequately explained this bill. I thank him for his consideration on behalf of the author, DON YOUNG.

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

Mr. GRIJALVA. 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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 865, 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 PAYMENT FOR SERVICES RENDERED BY SUBCONTRACTORS FOR WORK TO BE COMPLETED AT GRAND CANYON NATIONAL PARK

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1191) to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1191

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

SECTION 1. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) IDIQ.—The term ''IDIQ'' means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term ''park'' means Grand Canyon National Park.

(3) PGI.—The term ''PGI'' means Pacific General, Inc.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2. AUTHORIZATION.

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, during fiscal years 2002 and 2003, Grand Canyon National Park entered into construction contracts worth $17 million with a general contractor called Pacific General, Incorporated, known as PGI.

In January 2004, numerous subcontractors employed by PGI notified National Park Service that they were not receiving payment. After an investigation, it was discovered that PGI was diverting Federal funds which should have gone to the subcontractors. PGI eventually declared bankruptcy.

It was further discovered that in a clear violation of Federal policies, the park had failed to require PGI to post a surety bond as a condition of the contract. The agency is now prohibited from paying the subcontractors directly because the funds appropriated for those contracts have already been paid to PGI. Overall, the subcontractors are owed about $1.3 million. H.R. 1191 authorizes the Secretary to use $1.3 million in available funds from Grand Canyon National Park to pay the subcontractors. Applicants for the funds would have to verify the amount they are owed, demonstrate that they have exhausted all reasonable legal avenues to recoup amounts owed to them by PGI, and provide written statements that the amount they are seeking represents payment in full.

Mr. Speaker, this is an imperfect solution to a difficult problem. However, these small business owners who provided quality services to the Federal Government in good faith should not have to wait any longer to receive payment.

My colleague from Arizona, Representative RENZI, is to be commended for his efforts on behalf of these small business people. Similar legislation

was approved by the House in the 109th Congress, and we urge its passage today.

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

Mr. PEARCE. Mr. Speaker, I rise to thank the majority, Mr. GRIJALVA, for his support of H.R. 1191, and I would yield such time as he may consume to the distinguished author of the bill, the gentleman from Arizona (Mr. RENZI), who has worked tirelessly for 4 years on this bill.

Mr. RENZI. Mr. Speaker, I want to thank my chairman and colleague from Arizona (Mr. GRIJALVA) and my neighbor from New Mexico (Mr. PEARCE) for their assistance and support in helping us find a solution finally today.

It has been 4 years in the making. I thank you, Mr. GRIJALVA and Mr. PEARCE, for being a part of pushing this across the finish line.

Our intention today is to provide legislation to fix a problem that affects almost 40 small business men and women throughout Arizona, Utah, New Mexico and the Southwest who are devastated by this unfortunate contract mismanagement that the National Park Service and Pacific General, Inc. were involved in.

I know, Mr. PEARCE, you remember from last Congress, in helping us finish on this, that many of these businesses are bankrupt today. Many of their sons and daughters aren't able to go to college because the Federal Government owes them money for work that they performed in the Grand Canyon. So today, we find a way to fix that with a technical correction in order for these subcontractors to get paid.

Mike Richardson, who is the owner of Southwest Water Works, located in Phoenix, Arizona, came before Congress, before your subcommittee last session. He testified, and he was able to bring this problem to the forefront. His dedicated assistance to bringing this matter before Congress should be commended.

After this time, the Washington Contracting and Procurement Office of the National Park Service performed an acquisition management review. In this review, the National Park Service discovered that the park had failed to ensure that PGI obtained the proper payments and performance bonds required by the National Park Service under the Miller Act. Then on February 6, 2004, the National Park Service suspended further payments to PGI, issued a suspension notice, and ceased activities with the contractor.

Unfortunately, as stated, the subcontractors were not paid for the work that they provided to the Federal Government. They fall into two categories. The first category consists of subcontractors that performed work on various projects where the National Park Service had already paid PGI for their work. Up to $1.3 million PGI did not pay to subcontractors. I think, as Congressman GRIJALVA talked about, there were $17 million paid overall to the contractor; $1.3 million never made its way down to these subcontractors.

The second category is composed of subcontractors who performed work on various projects where the National Park Service failed to pay PGI. The National Park Service has been unable to pay these contractors who performed the work at Grand Canyon because Federal law prohibits payments directly to subcontractors due to a lack of direct contractual relationship between the parties.

This bill today that Mr. GRIJALVA has championed, and Mr. PEARCE, fixes this grave inequity.

I thank you so very much for your leadership, Mr. GRIJALVA and Mr. PEARCE. I appreciate your service, and understanding these are small business men and women, Arizona, New Mexico and Utah, that will benefit from your leadership on this bill.

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

Mr. GRIJALVA. Mr. Speaker, again let me commend the gentleman from Arizona (Mr. RENZI) for this legislation.

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 Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1191, 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.

□ 1330

TAXPAYER PROTECTION ACT OF 2007

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1677) to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1677

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Taxpayer Protection Act of 2007''.

(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:

Sec. 1. Short title; etc.
Sec. 2. Family business tax simplification.
Sec. 3. Taxpayer notification of suspected identity theft.
Sec. 4. Extension of time for return of property for wrongful levy.
Sec. 5. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
Sec. 6. Clarification of IRS unclaimed refund authority.
Sec. 7. Prohibition on IRS debt indicators for predatory refund anticipation loans.
Sec. 8. Prohibition on misuse of Department of the Treasury names and symbols.
Sec. 9. EITC outreach.
Sec. 10. Modification of rules pertaining to FIRPTA nonforeign affidavits.
Sec. 11. Disclosure of prisoner return information to Federal Bureau of Prisons.
Sec. 12. Increase in penalty for bad checks and money orders.

SEC. 2. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) QUALIFIED JOINT VENTURE.—

''(1) IN GENERAL.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

''(A) such joint venture shall not be treated as a partnership,

''(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

''(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

''(2) QUALIFIED JOINT VENTURE.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

''(A) the only members of such joint venture are a husband and wife,

''(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

''(C) both spouses elect the application of this subsection.''.

(b) NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking '', and'' at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.''.

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking ''and'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ''; and'', and by inserting after paragraph (15) the following new paragraph:

''(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.