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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 15, 2010.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker.

This week marks the homestretch of the health care debate. Reform will pass if people focus on the facts and the opportunities. No more outsourcing our analysis to the talking heads. Now, facts matter and the American people should find them.

Health care is in crisis not just because we pay more for mediocre results in our health care system. The number of uninsured Americans is increasing, soon to reach 50 million Americans. And health insurance is getting worse for those who already have it. It's getting more expensive, people will have higher co-pays, higher premiums. Then people will have to fight to get their health bills paid. The United States is the only industrialized country where people go bankrupt from health care. This year, a thousand people that I represent back in Oregon will go bankrupt from health care costs—and most of them will have health insurance.

Medicare is a great success story. Most of us recognize that. It was enacted 45 years ago over many of the same objections that we are now hearing from my Republican colleagues 45 years ago. Medicare has been responsible for our senior citizens getting the health care outcomes that people in most other developed countries enjoy.

Opponents attack government-paid insurance in France, Germany, Switzerland, and Canada. But most American families would welcome the health care results in those countries where people get sick less often, they get well faster, and they live longer, and they pay far less than Americans.

We have a huge problem because Medicare is at risk. It's on an unsustainable financial path while it penalizes low-cost, high-value States like mine—Oregon—and others such as Wisconsin and Iowa. The House bill shows how to make those important reforms.

Finally, part of the problem today is that there continues to be brutal political attacks that are unfettered by the truth and history. I take some of this a little personally because my bipartisan legislation to help families make sure that their end-of-life decisions are respected morphed into the Sarah Palin's ''death panel''—which I am pleased to report was judged the lie of the year by Politifacts.com.

The mandate to buy insurance, which has been an object of attack, was in fact a Republican idea that was introduced in the early 1990s as an alternative plan to the approach that was offered by the Clinton administration. And now we are having people fight to prevent any change in Medicare despite the fact that they admit it's on an unsustainable path, and they themselves have proposed some of the most Draconian efforts to cut—some would say gut it—in the past.

Is the legislation that we will be considering this week perfect? No, it's not. Of course, I have only been here 14 years and I've not yet seen a ''perfect bill.'' And the sad decision that was made to follow Republican Leader BOEHNER's admonition to not legislate but to communicate, to talk and argue, actually made it harder to make good legislation.

Is this the final word in health care reform? Not by a long shot. We will be working to refine and improve this legislation for months, and indeed, years to come. But is it worth doing? Absolutely. This is a critically important step, the most important since Medicare was created 45 years ago.

This legislation passed the Senate 10 weeks ago. A month before that, the House passed its legislation. The facts are clear. The legislation is available. If the public and Congress focus on the facts, this bill will pass and a sick American health care system will start to get better.

HEALTH CARE RECONCILIATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, in 1974, Congress passed the Congressional Budget Act. This law created an optional procedure we know as the budget reconciliation process. The chief purpose of the reconciliation process was to enhance Congress' ability to change current law in order to bring

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revenue and spending levels into alignment with the budget resolution. That is a definition of a reconciliation bill, to control government spending; not to enact new policies.

The last reconciliation bill passed by Congress was in the year 2007. This process was first used in 1980, and in 1985, Senator ROBERT BYRD had the Senate adopt a temporary rule to curb the practice of using reconciliation as a vehicle to move extraneous materials outside of the budget process. This rule is known today as the Byrd Rule. The Byrd Rule has been extended and modified over the years and in 1990 was made permanent when Congress amended the Congressional Budget Act of 1974.

Now, under the Byrd Rule, a senator who is opposed to the inclusion of extraneous material in the reconciliation bill may offer an amendment or a point of order to strike that provision. The Byrd Rule defines six provisions of what constitutes extraneous matter. The three most important provisions are, one, the bill language must produce a change in outlays or revenues; two, the bill cannot increase the deficit for fiscal years beyond the budget window; three, the provision is a nonbudgetary component that has a fiscal effect outside of the Treasury.

So today, Madam Speaker, the House Budget Committee will be meeting to markup a Budget Reconciliation Bill. Despite the House not having done a budget for the fiscal year 2011, the Budget Committee is going forward with reconciliation authority from last year's budget. The reconciliation process is being used to pass a Senate-passed health care bill in the House and to get the Senate to amend the reconciliation bill or law without fear of a filibuster.

Now, the press is reporting that the Rules Committee will report a rule that will deem the Senate health care bill as passed with the adoption of the rule and we only have a chance to debate and vote on the budget reconciliation. This is outrageous and absurd. The majority will claim that they will only be voting on the rule, when in fact they will be voting on accepting the Senate bill. Last year, the House was passing bills without reading them. This year, they're passing bills without voting on them.

This 2,309-page document makes a mockery of the entire budget reconciliation process. This monstrosity will be used to force a Senate health care bill reform on the American people who have spoken up loudly and spoken up to reject its backroom deals and special interest giveaways. Yet the Democratic leadership will ask its members to vote for the rule which will self-enact the Senate bill, the entire health care bill, in the hope that the Senate Democrats will vote later for reconciliation that the Senate parliamentarians will uphold the provisions inside the reconciliation bill which includes a self-enacting rule vis-a-vis health care bill.

Now, this is my understanding. There is no precedent for what the Democrats are doing with this deception. There has never been a reconciliation process as corrupt as what is happening this week. We have never written a reconciliation bill to amend a law that does not exist. We have never had a reconciliation bill with so far a reaching scope. This bill would seek to alter one-sixth of our economy permanently.

Thomas Jefferson, the Founding Father and author of the first Senate rules, states, ''The minority possess their equal rights, which equal law must protect, and to violate would be oppression.'' The Democrats are violating the minority rules by this procedure. If the Byrd Rule applied to the House, we would never be able to pass the budget reconciliation.

This bill, these tactics being used, goes way too far. It undermines the process of creating laws, the right to offer amendments, and the right to vote on a bill. It may not be politically safe for the majority, but we should have a proper vote, up-and-down, on this health care bill and an ability to amend the Senate bill. As legislators, we were sent here by our constituents to vote, not to hide. The proposed rule and the Budget Reconciliation Bill undermine our rights enumerated within the Constitution.

So I urge the Democrat majority to rethink the whole procedure for bringing up the Senate health care bill. Enacting a rule which includes health care will mean that once it passes the House it will go directly to the President. It will not return to the Senate. The President will sign it and it will become law. This is what they intend contrary to the transparency they promised.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. WOOLSEY) at 2 p.m.

PRAYER

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

Lord, our God, at times we seem to lose our way. Personal problems so consume us we find it difficult to look around and face squarely larger issues which touch us all.

You have told us You are the way, the way to freedom, the way to gain proper perspective, the way to follow, if only we keep our eyes and fix our expectations on You.

Lord, guide us in Your own way that we may seek only truth and love life. Both now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC, MARCH 12, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 12, 2010 at 2:33 p.m.:

That the Senate passed S. 1147.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

FINAL THROES OF GOVERNMENT TAKEOVER

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

Mr. BURGESS. Madam Speaker, we are in the final throes of the government takeover of America's health care system. We have a shell bill that was posted on the Budget Committee site last night. This shell bill will give rise to a phantom bill. The phantom bill goes over to the Rules Committee, and that is where we get real reconciliation. We probably have one day or two to look at the shell bill, one day or two to look at the phantom bill, and virtually no time to see what is in the real reconciliation bill. My committee, the Committee on Energy and Commerce, is completely bypassed in this process. No respect for the oldest standing committee in the United States House of Representatives.

And speaking of no respect for the oldest standing committee in the

House of Representatives, our committee sent a request to the White House weeks ago for information regarding the secret deals that were cut in May and June of last year. This letter was signed by Chairman WAXMAN and Ranking Member BARTON, and as of today, no response.

Heather Higgins and Kelly Anne Conway, writing in today's Wall Street Journal, talked about, no matter the demographic group that you look at, men, women, old, young, independents, dramatic pluralities say that if this legislation doesn't pass, they will be relieved.

We ought to listen to the American people on this one.

DESPITE MEDIA'S SPIN, AMERICANS OPPOSE HEALTH CARE PLAN

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

Mr. SMITH of Texas. Madam Speaker, in a recent Washington Post op-ed, here is what two Democratic pollsters had to say about the media's spin on the administration's health care proposal:

''Nothing had been more disconcerting than to watch Democratic politicians and their media supporters deceive themselves into believing that the public favors the Democrats' current health care plan.

''A solid majority of Americans opposes the massive health reform plan. Many more Americans believe the legislation will worsen their health care, cost them more personally, and add significantly to the national deficit.

''Never in our experience as pollsters can we recall such self-deluding misconstruction of survey data.''

Madam Speaker, despite the media spin, the American people are sending a clear message about health care: Congress should start over and get it right.

OBAMA CARE

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

Mr. COLE. Madam Speaker, my Dad always told me, ''Your friends are the people who tell you what you need to know, not what you want to hear.''

In August, the American people flooded town hall meetings and told their representatives to vote ''no'' on Obama care. The Speaker called them extremists. In November, voters in Virginia and New Jersey elected Republican governors in States President Obama had carried one year earlier. The White House said it was due to local issues. And in January, the voters of Massachusetts elected a Republican to the United States Senate for the first time in 38 years. Senate Democrats said it was because they had nominated a poor candidate.

As we approach the vote on Obama care, I urge my colleagues on the other side of the aisle to ignore the Speaker, ignore the President, and ignore the Democrats in the Senate. Just listen to your friends, the voters of America, who oppose this $1 trillion, 2,700 page health care monstrosity, and then vote ''no.'' In November, you will be glad you did.

NATIONAL AGRICULTURE WEEK

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

Mr. SMITH of Nebraska. Madam Speaker, National Agriculture Week is dedicated to celebrating the impact agriculture has on our Nation and our everyday lives.

Agricultural products are America's number one export, and about 17 percent of raw U.S. agriculture products are exported yearly valued at over $43 billion. The industry generates 20 percent of the U.S. gross domestic product, and one-fourth of the world's beef and nearly one-fifth of the world's grain, milk, and eggs are produced in the United States.

Nebraska has 47,000 farms and ranches, with many located in the Third District. I am proud to represent a district which truly embodies the spirit of this celebration, and I am proud to be a co-chair of the Congressional Rural Caucus, a bipartisan group of Members who work together to address the challenges facing our Nation's agriculture producers.

Agriculture is integral to our Nation, and I invite my colleagues to join me in celebrating its contribution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING 125TH ANNIVERSARY OF THE UNIVERSITY OF ARIZONA

Ms. HIRONO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1145) recognizing the University of Arizona's 125 years of dedication to excellence in higher education, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1145

Whereas the University of Arizona was authorized by Arizona's 13th Territorial Assembly on March 12, 1885;

Whereas the University of Arizona is the flagship university of the State of Arizona and, true to its land-grant heritage, is dedicated to building a better Arizona through access, quality, and discovery;

Whereas classes at the University of Arizona first met in 1891 with 32 students in Old Main, the first building constructed on campus;

Whereas the University of Arizona is Arizona's only member of the prestigious 62-member Association of American Universities;

Whereas the University of Arizona is committed to an accessible, quality education for all, maintaining the third lowest tuition rate of any public university among the Association of American Universities;

Whereas the University of Arizona is ranked No. 15 among public universities by the National Science Foundation for research and development;

Whereas the University of Arizona offers 122 undergraduate degrees, 217 graduate programs, and 3 professional schools including pharmacy, medicine, and law;

Whereas the University of Arizona has over 225,000 alumni in all 50 States and across the world, including a former U.S. Secretary of the Interior and a former U.S. Surgeon General;

Whereas the University of Arizona is recognized as an international leader in research and innovation in many fields including optics, water research, and astronomy;

Whereas the University of Arizona has achieved remarkable success in athletics, winning 20 national championships, including 8 softball titles and the 1997 men's basketball title;

Whereas University of Arizona students have consistently answered the call to service as memorialized by the clock tower of the Student Union Memorial Center, home to a bell rescued from the USS Arizona after the attack on Pearl Harbor on December 7, 1941;

Whereas the University of Arizona played a leading role in NASA's Phoenix Mars Mission, leading to the discovery of water on Mars and furthering the understanding of the Martian condition using advanced robotics; and

Whereas the University of Arizona is dedicated to a more sustainable energy future as reflected in its selection to and achievement in the U.S. Department of Energy's distinguished Solar Decathlon; Now, therefore, be it—

Resolved, That the House of Representatives

(1) recognizes the University of Arizona for 125 years of dedication to excellence in higher education;

(2) congratulates the University of Arizona on the occasion of its 125th anniversary, and

(3) expresses thanks to the University of Arizona for its contribution to the betterment of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1145 into the RECORD.

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

There was no objection.

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

I rise today in support of H. Res. 1145, which recognizes the 125th anniversary of the University of Arizona.

The University of Arizona attained its charter on March 12, 1891, with the authorization of Arizona's 13th Territorial Assembly. The mission of this new university focused on building a better Arizona through access, quality, and self-discovery. The university's first day of classes commenced on October 1, 1891, with a small group of 32 students from the surrounding region. The school instantly became a symbol of pride for Tucson, Arizona.

From these humble beginnings, the University of Arizona has grown into one of the most prominent universities in the country. The student body contains over 36,000 students, including almost 7,000 graduate students. Students are enrolled in 122 undergraduate degree programs, 217 graduate programs, and three professional schools.

The University of Arizona has gained national accolades for its breakthroughs in science and technology. The university's scientific research and development program, ranked 15th in the Nation by the National Science Foundation, played a leading role in NASA's Phoenix Mars Mission, which led to greater understanding of the red planet.

For all these accomplishments, the University of Arizona is also known for its athletic dominance. The 500 student athletes of the University of Arizona compete in over 19 Division I sports, winning 20 national championships, 37 Pacific Ten titles, including a men's national basketball championship in 1997, and eight softball national titles.

This year, the University of Arizona will celebrate 125 years of providing excellence in education and athletics, cultivating young men and women to become stewards of their community and leaders of the Nation.

Madam Speaker, once again I express my support of the University of Arizona, and wish it and its students future success in all their endeavors. And I thank Representative GIFFORDS for bringing this bill forward. I urge my colleagues to join me in support of this resolution.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1145, recognizing the University of Arizona's 125 years of dedication to excellence in higher education.

The University of Arizona, located in Tucson, Arizona, was founded in 1885, and first opened its doors to students in 1891. Thirty-two students applied for the first semester, but only six were admitted to the freshman class. The remaining 26 students were enrolled in a specially established prep school, since there were no high schools in the area.

Today, the University of Arizona has 29,719 undergraduate students, 6,962 graduate students, and 1,376 professional and medical students. The university is ranked number 16 among all public universities by the National Science Foundation. The university has a three-fold commitment to education, research, and community service, and offers more than 300 undergraduate degrees through 20 colleges and 11 schools.

The university boasts excellent academic programs, but its students also excel in athletics. The university houses 18 NCAA athletic teams. The University of Arizona Wildcats basketball team has reached the NCAA tournament for the last 25 consecutive years.

The women's softball team is among the top programs in the country, and has won eight Women's College World Series.

The University of Arizona is designated as both a land-grant and space-grant institution, and research conducted at the university has led to advances such as the development of Pima cotton and new artificial hearts, and has helped in the building of the largest telescopes in the world. The mission of the university is ''to discover, educate, serve, and inspire,'' and the accomplishments of its students reflect this.

I extend my congratulations to the University of Arizona for 125 years of excellence in higher education, and wish all of its faculty, staff, students, and alumni continued success. I would ask my colleagues to support this resolution, and I thank the gentlelady from Hawaii for being the manager of this bill.

I yield back the balance of my time.

Ms. HIRONO. I join in urging all my colleagues to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1145, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. HIRONO. 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.

□ 1415

CONGRATULATING WINNERS OF VOICE OF DEMOCRACY SCHOLARSHIP

Ms. HIRONO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1170) congratulating the winners of the Voice of Democracy national scholarship program.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1170

Whereas the Voice of Democracy (VOD) scholarship program is an audio-essay contest for high school students in grades 9 through 12 that annually provides more than $3,000,000 in scholarships;

Whereas the Voice of Democracy program is designed to foster patriotism by allowing students the opportunity to voice their opinion in a 3- to 5-minute audio essay based on an annual theme;

Whereas the winners of the 2010 Voice of Democracy contest are selected based on the originality, content, and delivery of their audio essay;

Whereas the Veterans of Foreign Wars has sponsored the Voice of Democracy scholarship program since 1947 and has encouraged students to express patriotism since that time;

Whereas the Voice of Democracy program is closely associated with the Patriots Pen program, a youth-essay writing contest for students in grades 6 through 8;

Whereas the 2009–2010 Voice of Democracy theme is ''Does America still have heroes?'';

Whereas more than 50,000 American students across the world participated in the Voice of Democracy competition for the 2009–2010 school year; and

Whereas Madison Mullen, Anthony Zendejas IV, and Lena Savell were named the first, second, and third place winners of the 2009–2010 Voice of Democracy scholarship program: Now, therefore, be it

Resolved, That the House of Representatives congratulates the winners of the Voice of Democracy national scholarship program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1170 into the RECORD.

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

There was no objection.

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

I rise today to congratulate the winners of the Voice of Democracy national scholarship program. The Voice of Democracy scholarship program was originally created in 1947 and now is an audio essay contest for high school students in grades nine through twelve that annually provides more than $3 million in scholarships. The winners are high school students from different parts of the country who clearly articulated and creatively presented American democratic values in a national scholarship competition. The first-place winner receives a $30,000 scholarship that is paid directly to the recipient's American university, college, vocational, or technical school.

Every year, thousands of students participate in the Voice of Democracy scholarship competition. With last year's theme, ''Does America still have Heroes?'' this competition makes democracy come alive and helps students connect their real-world experience to contemporary issues and events. This type of learning is important not only

for academic purposes, but also for youth civic engagement. Students are able to express their democratic knowledge and responsibilities in a creative art form.

Madam Speaker, I want to congratulate Madison Mullen, Anthony Zendejas IV, and Lena Savell for the first, second, and third place finishes, as well as all the rest of the winners. I hope all students think about the ideals of democracy and how they can contribute to our society. I thank Representative HUNTER for bringing this resolution forward.

I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1170, congratulating the winners of the Voice of Democracy national scholarship program. The Voice of Democracy national scholarship program is an audio essay scholarship contest for American high school students across the world. Students in grades nine through twelve enter the contest by recording an audio essay on a selected theme. Since its beginning, the program has provided more than $3 million in scholarship funds to student winners. This year alone, $149,000 in scholarships was awarded to the winners. The Voice of Democracy's national competition is designed to foster patriotism by providing students with the opportunity to voice their opinion on selected themes. The 2009–2010 school year's theme was, ''Does America still have Heroes?'' America's youth responded with a resounding ''yes.''

Veterans of Foreign Wars began sponsoring this event in 1947 and also sponsor similar national essay competitions for middle school students. For example, Patriot's Pen encourages American students in grades six through eight to write an essay expressing their views on democracy, based on an annual theme. The VFW's 2.2 million members have fought for America's freedom and continue to give to our Nation through programs such as Voice of Democracy.

The first, second, and third place winners of the 2009–2010 voice of America's national scholarship competition are Madison Mullen, Anthony Zendejas IV, and Lena Savell, respectively. The winners were selected from over 50,000 student entries based on originality, content, and delivery of their audio essays. Finalists were invited here to Washington, D.C., to deliver their oral essays. Participating students' essays described today's heroes in America, and I'm sure that many of these students will grow up to become tomorrow's heroes.

I'd like to congratulate all the winners, finalists, and participants in the Voice of Democracy national scholarship program and thank the VFW for providing students with this opportunity. I'd also like to thank my colleague from California, Congressman DUNCAN HUNTER, for sponsoring this resolution and thank the gentlelady from Hawaii for managing this bill, and I ask for my colleagues' support.

Having no further speakers, I yield back the balance of my time.

Ms. HIRONO. Once again, I urge all my colleagues to agree to House Resolution 1170, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1170.

The question was taken.

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

Ms. HIRONO. 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.

RECOGNIZING 50TH ANNIVERSARY OF WASHINGTON STATE UNIVERSITY HONORS COLLEGE

Ms. HIRONO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1163) recognizing Washington State University Honors College for 50 years of excellence.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1163

Whereas Washington State University Honors College was established in 1960, 70 years after the founding of Washington State University;

Whereas Sidney Hacker, Professor of Mathematics, directed the establishment of the Honors program at Washington State University;

Whereas Washington State University, located in Pullman, Washington, is the State's largest land-grant university and offers more than 200 areas of study;

Whereas the Washington State University Honors College offers an enriched 4-year curriculum to highly able students and provides such students with the opportunity to challenge themselves;

Whereas studies at the Washington State University Honors College promote the six learning goals of the Honors College, including critical and creative thinking, quantitative and symbolic reasoning, information literacy, communication, self in society, and disciplinary knowledge; and

Whereas Washington State University Honors College is one of the most respected programs of its kind nationally: Now, therefore, be it

Resolved, That the House of Representatives recognizes Washington State University Honors College for 50 years of excellence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1163 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of H. Res. 1163, which recognizes Washington State University Honors College for 50 years of excellence. Established in 1960 in Pullman, Washington, Washington State University Honors College is an institution with an enriched curriculum, small classes, a talented and diverse student body with a wealth of abroad opportunities. The 4-year core curriculum is designed to develop each member of the school's academic community to reach his or her full potential, and to lead and serve their local, national, and global communities.

The faculty, staff, and students of the Honors College create a community of learning that values creativity, high standards of scholarship, and achievement. It also fosters independent thinking and intellectual risk-taking, while valuing engagement and responsibility to community.

Many of Washington State University's high-achieving students chose to attend the Honors College because of the school's small class sizes and the curriculum designed around real-life issues. They also seek out the extensive focus on written and oral presentations and the interactive structure of the college's program, which allows students to take ownership for their own learning. Members of the Honors College student body are also encouraged to spend a portion of their academic years studying abroad and to gain proficiency in a second language. During the school's 2008–2009 school year, 34 percent of the Honors College's students studied abroad. The schools entering class of fall 2008 had a remarkable 80 percent of their freshmen class study a language other than English during their first semester at college.

Madam Speaker, once again, I congratulate Washington State University Honors College on 50 years of excellence in education and thank Representative MCMORRIS RODGERS for bringing this resolution forward.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mrs. BIGGERT. At this time I yield such time as she may consume to my friend and colleague, the sponsor of this resolution, the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I thank the gentlewoman for yielding some time on this resolution. I rise in support of H. Res. 1163, recognizing Washington State University's Honors College for 50 years of excellence. Nestled

in the rolling hills of the Palouse region, Washington State University, in Pullman, Washington, is the State's largest land-grant university and offers over 200 areas of study. This year marks the 50th anniversary of the establishment of the Honors College.

Originally established in 1960 under the direction of Professor Sidney Hacker, the Washington State University's Honors College provides highly motivated and highly capable students the opportunity to challenge themselves through an enriched 4-year curriculum. The Honors College emphasizes six specific learning goals throughout its program, including critical and creative thinking, quantitative and symbolic reasoning, information literacy, communication, self in society, and disciplinary knowledge.

The Honors College at WSU has produced thousands of entrepreneurs, scientists, doctors, and educators. Regardless of their profession or status, a graduate of WSU's Honors College has the tools to make a difference wherever life may lead them. For instance, Captain Amos Peterson of the U.S. Army Veterinary Corps is a WSU Honors College graduate and has been officer-in-charge of Andrews Air Force Base veterinary clinic since 2008. Captain Peterson's sister, Ella, is also an Honor's College alumnus, and after completing service in the U.S. Peace Corps, has become an English teacher in Taiwan. These two examples are indicative of the successful students that graduate from the Honors College at WSU.

Madam Speaker, the Washington State University Honors College is one of the most respected in the Nation, and it is wholly fitting that this House applaud its past and most certain future successes. I urge my colleagues to join me in adopting H. Res. 1163, recognizing WSU's Honors College for 50 years of excellence.

Ms. HIRONO. I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I also rise in support of House Resolution 1163, recognizing Washington State University's Honors College for 50 years of excellence. For 50 years, the Washington State University Honors College has offered an enriched liberal arts curriculum with an international context. Undergraduates seeking challenges can optimize their academic experience; and they're known for accomplishments in undergraduate research, leadership skills, and service to their local, national, and international communities.

□ 1430

The honors thesis allows students to develop their own mentored undergraduate research project. Scholarship support is available to help cover college expenses, undergraduate research, and study abroad thanks to the support from the Honors' alumni and friends. Students from any major may follow the Honors curriculum and expect to graduate in 4 years because the curriculum works within each student's major. All coursework at Washington State University Honors College is designed to promote the six learning goals of the Honors College.

Washington State University Honors College is an accomplished institution that contributes to the economic and civic vitality of the State, Nation, and world. Today we congratulate the faculty, staff, students, and alumni for 50 years of excellence.

I ask my colleagues to support this resolution.

I yield back the balance of my time.

Ms. HIRONO. Once again, I urge my colleagues to vote for H. Res. 1163, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1163.

The question was taken.

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

Ms. HIRONO. 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.

AUTHORIZING NEW AWARD PROGRAM FOR SCHOOL WORKERS

Ms. HIRONO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2377) to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2377

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

SECTION 1. FINDINGS.

The Congress finds as follows:

(1) The term ''classified school employee'' refers to employees working in pre-kindergarten through higher education, in the following nine job families:

(A) Paraprofessionals.
(B) Clerical services.
(C) Custodial and maintenance services.
(D) Transportation services.
(E) Food services.
(F) Skilled trades.
(G) Health and student services.
(H) Security services.
(I) Technical services.

(2) Classified school employees provide valuable service to public schools in the United States.

(3) Classified school employees provide essential services, such as transportation, facilities maintenance and operations, food service, safety, and health care.

(4) Classified school employees play a vital role in providing for the welfare and safety of students.

(5) Classified school employees strive for excellence in all areas of service to the education community.

(6) Exemplary classified school employees should be recognized for their outstanding contributions to quality education in the United States.

SEC. 2. RECOGNITION PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Secretary of Education shall establish and administer a national recognition program to be known as the ''National Classified School Employees of the Year Awards''. The purpose of the program shall be to recognize and promote the commitment and excellence exhibited by employees within certain occupational specialties in public schools who provide exemplary service to students in pre-kindergarten through higher education.

(b) OCCUPATIONAL SPECIALTIES.—

(1) IN GENERAL.—The occupational specialties referred to in subsection (a) are the following:

(A) Paraprofessionals.
(B) Clerical and administrative services.
(C) Transportation services.
(D) Food and nutrition services.
(E) Custodial and maintenance services.
(F) Security services.
(G) Health and student services.
(H) Technical services.
(I) Skilled trades.

(2) NUMBER OF AWARDS.—Prior to March 31 of each year (beginning with the second calendar year that begins after the date of the enactment of this Act), the Secretary shall select an employee from each occupational specialty described in paragraph (1) to receive an award under the recognition program.

(c) SELECTION PROCESS.—

(1) NOMINATION PROCESS.—Not later than November 1 of each year (beginning with the first calendar year that begins after the date of the enactment of this Act), the Secretary shall solicit nominations from each occupational specialty described in subsection (b)(1) from the chief State school officer of each State. The chief State school officer of each State shall consider nominations submitted by the following:

(A) Local educational agencies.
(B) School administrators.
(C) Professional associations.
(D) Labor unions.
(E) Any other group determined appropriate by the Secretary.

(2) DEMONSTRATION.—Each nomination shall be submitted to the Secretary by a chief State school officer in such manner as the Secretary may require and shall contain, at a minimum, demonstrations of excellence in the following areas:

(A) Work performance.
(B) School and community involvement.
(C) Leadership and commitment.
(D) Local support.
(E) Enhancement of classified school employees' image in the community and schools.
(F) Any other area of superior performance, such as health and safety promotion or efficient use of energy or other resources.

(3) SELECTION.—The Secretary shall develop uniform national guidelines for evaluating nominations submitted under paragraph (2) in order to select the most deserving nominees based on the demonstrations made in the areas described in such paragraph.

(d) DEFINITIONS.—The terms used in this Act shall have the meaning given such terms in section 9101 of the Elementary and Secondary Education Act 1965 (20 U.S.C. 7801).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 2377 into the RECORD.

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

There was no objection.

Ms. HIRONO. I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H.R. 2377, which is a bill that establishes a National Classified School Employees of the Year Award.

Every day in schools across the country, there are people working hard to make sure our students have an opportunity to learn and succeed. Classified school employees are critical to this effort. They work as paraprofessionals: clerks, custodians, bus drivers, cooks, maintenance employees, nurses, security guards, and technicians. The work they do provides essential support to students and teachers, and for far too long, their contributions have gone unrecognized at a national level. H.R. 2377 will change this and create a National Classified School Employees of the Year Award.

The award will honor and recognize excellence in the classified school worker field. Their services vary widely, from establishing and promoting a high-quality instructional environment as paraeducators and library aides to providing other essential services, such as transportation, skilled maintenance, food and support services, and health care.

I'm sure we can all remember our favorite bus driver who provided our safe arrival to and from school. We can recall the nurse that perfectly bandaged our scraped knee, or we can reflect on a guidance counselor who helped us navigate our paths to college.

No matter the profession, classified school employees work tirelessly to ensure the success of America's students and public schools. Their dedication ensures the safety and welfare of students while improving the educational atmosphere, helping students meet the highest educational standards.

Today we recognize this work and thank them. I ask that you join us in support of this bill. I urge my colleagues to recognize the contributions of classified school employees by voting for H.R. 2377.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2377, to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees, providing services to students in pre-kindergarten through higher education. In short, this bill would create a national recognition program for classified school employees in nine categories, including transportation, food, security, and health and student services.

As you may well know, classified school employees provide the support services necessary to keep our Nation's schools open and running on time. These awards would be given annually by the Secretary of Education. Despite the fact that a school's support staff is often overlooked, they are an important part of the education team that we entrust our children to each day. These school employees provide transportation services that enable students to safely arrive to and from school, prepare and serve the food students eat each day, and keep the school facilities in which students learn clean and safe. Those classified school employees who go above and beyond deserve to be recognized for their efforts, and this bill would do just that.

I urge my colleagues to support H.R. 2377.

I reserve the balance of my time.

Ms. HIRONO. Madam Speaker, I am pleased to yield as much time as she may consume to the gentlewoman from Nevada (Ms. TITUS), the sponsor of this legislation.

Ms. TITUS. Madam Speaker, I rise today in support of H.R. 2377, a bill to establish a National Classified School Employees of the Year Award.

For teachers to teach and students to learn, schools must be well maintained; students must be kept healthy and safe; and all of the adults with whom students interact throughout their day, whether on the playground or in the lunch room, must support a school's culture of excellence.

Classified employees help to create and maintain an atmosphere that fosters achievement by working tirelessly to ensure the success of our Nation's students in public schools, colleges, and universities. They provide essential services, including transportation, facilities maintenance and operations, food service, safety, health care, and others. Whether they are in the classroom alongside teachers, helping to establish and promote a high-quality instructional environment, or in a bus, making sure that students arrive at school on time so they are ready to learn, these classified employees play a vital role in our schools, and they should be recognized for the outstanding work that they do.

There are approximately 2.8 million education support professionals across the country, yet too often their contributions go unrecognized. And that is why I am so pleased to have worked with you, Madam Speaker, as the lead sponsor of H.R. 2377, a bill that would establish a National Classified School Employees of the Year Award, and I am proud that this legislation has 57 bipartisan supporters and cosponsors.

This award would be very similar to the Teacher of the Year Award but would recognize outstanding public school employees who provide support services to students from pre-kindergarten through their education in nine different categories: paraprofessionals, clerical services, custodial and maintenance services, transportation services, food services, skilled trades, health and students services, security services, and technical services.

The Secretary of Education will solicit nominations from the States in each of these occupational specialties. Nominees must demonstrate excellence in work performance, school and community involvement, leadership and commitment, local support, enhancement of classified school employees' image in the community and the school, and any other area of superior performance that is determined by the Secretary. The award winners will then be recognized by the U.S. Secretary of Education and the President.

Let me be clear, this is not a new government program, and honoring these special employees will not cost the government any money. Nor would this be the first time that government agencies have presented such awards to individuals who make important contributions. Both the Department of Defense and the Department of Commerce currently give such awards.

Honoring our classified school employees will provide the recognition and appreciation they deserve for the important work they do every day on the front lines to help our students succeed. As Booker T. Washington said, ''Excellence is to do a common thing in an uncommon way.''

So I urge my colleagues to reward the uncommon excellence of classified school employees by supporting H.R. 2377.

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

Ms. HIRONO. Madam Speaker, once again, I want to commend my colleague, Ms. TITUS, for bringing this bill forward, and reminding us that it truly takes many, many hands and hearts to enable our students to succeed. Again, I urge my colleagues to support H.R. 2377.

Ms. WOOLSEY. Madam Speaker, as an original cosponsor of H.R. 2377, I rise in strong support of the passage of this bill. H.R. 2377 would create an annual award program to honor the great work classified school employees do for our schools every day.

Classified school employees serve an important role in schools and help ensure students get the best possible education. Paraeducators, bus drivers, food service employees, and many other support staff help make the school day run smoothly. It is high time we honor their contributions by creating an annual award program that will honor the key role they play in promoting and ensuring student achievement, student safety and well-being.

I look forward to working with the National Association of Classified School Employees and other education groups to continue to

honor the important work of School Classified Employees. Again, I urge my colleagues to support this legislation.

Ms. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, H.R. 2377.

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.

SERGEANT CHRISTOPHER R. HRBEK POST OFFICE BUILDING

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (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''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4628

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

SECTION 1. SERGEANT CHRISTOPHER R. HRBEK POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, shall be known and designated as the ''Sergeant Christopher R. Hrbek Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Sergeant Christopher R. Hrbek Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam 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. I yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am proud to present H.R. 4628 for consideration. This legislation, when passed, will designate the United States Postal Service facility located at 216 Westwood Avenue in Westwood, New Jersey, as the Sergeant Christopher R. Hrbek Post Office Building. Introduced by my friend and colleague Representative SCOTT GARRETT of New Jersey on February 22, 2009, H.R. 4628 was favorably reported out of the Oversight and Government Reform Committee on March 4, 2010, by unanimous consent. In addition, this legislation enjoys the support of the entire New Jersey House delegation.

A native of Westwood, New Jersey, Sergeant Christopher Hrbek proudly served our Nation as a field artillery cannoneer with the Third Battalion, 10th Marine Regiment, Second Marine Division, Second Marine Expeditionary Force out of Camp Lejeune, North Carolina. Regrettably, Sergeant Hrbek was killed in action on January 14, 2010, by an improvised explosive device while supporting combat operations in Helmand province, Afghanistan. Sergeant Hrbek was 25 years old at the time of his death and on his fourth tour of duty with the United States Marine Corps.

As recalled by his family and friends, Sergeant Hrbek's enlistment in the United States Marine Corps evidenced his lifelong dedication to serving his community and his country.

At the age of 16, Sergeant Hrbek, who came from a family of firefighters, joined the Westwood Fire Department as a cadet and continued to serve his local community as a firefighter for the next 9 years. In addition to his dedication to the Westwood Fire Department and the town of Westwood, Sergeant Hrbek also aspired to serve in the United States military, and in particular, the United States Marine Corps. As noted by his loving stepfather Jaymee Hodges, Sergeant Hrbek ''knew in his soul he wanted to be a Marine . . . and Christopher ate, drank, and slept the Marine Corps.''

□ 1445

Accordingly, on his 18th birthday, Sergeant Hrbek asked his stepfather to take him to the Marine recruitment office in Hackensack, New Jersey, in order to enlist in the Marine Corps. Shortly thereafter, Sergeant Hrbek left for basic training at Paris Island, South Carolina. Sergeant Hrbek's subsequent and distinguished career in the United States Marine Corps included four tours of duty, three tours of duty in Iraq in support of Operation Iraqi Freedom, and then most recently, his last tour of duty in Afghanistan in support of Operation Enduring Freedom. In recognition of his service and sacrifice on behalf of our grateful Nation, Sergeant Hrbek has been posthumously awarded the Purple Heart.

Additionally, Sergeant Hrbek has also posthumously received the Bronze Star with Valor device. This was awarded for his heroic service during combat operations several weeks before his death. Specifically, in December of 2009, in the midst of hostile gunfire, Sergeant Hrbek rushed to save the life of a fellow marine, Sergeant Major Raymond Mackey, who had lost his legs as a result of an improvised explosive device attack. Sergeant Hrbek and a Navy corpsman carried Sergeant Major Mackey to safety and quickly applied tourniquets in order to stop the bleeding. This past Christmas Eve, Sergeant Hrbek was informed that he had been nominated for the Bronze Star with Valor device in recognition of that heroism.

In addition to the distinction and honor with which he served in the United States military, Sergeant Hrbek will be equally remembered for his steadfast devotion to his family and his friends. As noted by Westwood Fire Chief Mark Fedorchak, Sergeant Hrbek would do anything for anybody. He will be sorely missed. It is a huge loss for our community.

While Sergeant Hrbek is no longer with us, his memory will continue to live on through his devoted family and friends, his loving community and the dedicated servicemen and women who were fortunate to serve with him.

Madam Speaker, the life of Sergeant Christopher R. Hrbek stands as a testament to all the brave servicemen and women who have offered the ultimate sacrifice in defense of our Nation.

Let us join with Congressman GARRETT from New Jersey and honor this outstanding soldier and American hero through the passage of this legislation to designate the Westwood Post Office in his name. I urge my colleagues to join me in supporting H.R. 4628.

I reserve the balance of our time.

Mrs. BIGGERT. Madam Speaker, I yield such time as he may consume to my friend and colleague from New Jersey, the sponsor of this bill, Mr. GARRETT.

Mr. GARRETT of New Jersey. Madam Speaker, I do indeed rise today in honor of Sergeant Christopher Richard Hrbek, a recently fallen marine. It was on January 14, 2010, when Sergeant Hrbek gave his life in service of our country. And today, we have the opportunity to pay tribute to Sergeant Hrbek by considering H.R. 4628, this legislation that will rename the post office up in Westwood, New Jersey, in his honor.

In addition, though, to paying tribute to Sergeant Hrbek, I would like to pause for a moment to recognize his family as well, for the sacrifice that they now have endured on behalf of our Nation. Chris is survived by his wife, Jamie Lynn Wengerter, his mother and stepfather, Cheryl and James Hodges, his father and stepmother, Richard and Gail Hrbek, his two sisters, Amy Dellentash and Lori Hrbek, and his two stepbrothers, Jim and Beau Hodges, as well.

As was pointed out, Sergeant Hrbek was not only a hero in the armed services, he was a hero back in his hometown as well. Chris was born and raised up in Westwood, New Jersey, and as stated, at the age of 16, he, along with a couple of his friends, became cadets in the Westwood Fire Department.

And just as an aside, I remember going to the funeral and hearing the little stories that they told—even before they were 16 just pretending to be

firemen and the like, and always wanting to be a firemen when they grew up. But at age 16 they were able to actually put that into action and become cadets in the Westwood Fire Department.

Chris saw every opportunity to serve as a chance to shine. This is why it was no surprise when he enlisted in the U.S. Marines in 2003. And as a marine, Sergeant Hrbek served four tours of duty, which included two combat tours in Iraq and Afghanistan. But it was indeed on December 23, 2009, when they were under heavy enemy fire that he saved a life, and it was of his own Sergeant Major, Sergeant Major Raymond Mackey.

As it was recounted later on to his family, Chris had been out on a patrol at that time when he heard an explosion about 10 paces behind him. Chris turned to see what it was, and he saw Sergeant Major Mackey badly wounded by the explosion.

So what did he do?

Well, he immediately turned his attention to Mackey, applying seven tourniquets and saving the Sergeant Major's life, and he did this all while under attack at the time. This is truly a definition of grace under fire. And for his valiant efforts Chris earned a Bronze Star with a Combat V. However, Chris was not able to ever receive that medal in person.

For it was on January 14 that Sergeant Chris Hrbek was killed on patrol in Helmand Province in Afghanistan after he encountered an IED. Hrbek's family posthumously accepted the Bronze Star on behalf of his life at his funeral. A letter was issued to his parents from the Marine Corps, and I think it really captured the sentiment that I know all America shares. It said, ''by his zealous initiative, courageous actions, and exceptional dedication to duty, Sergeant Hrbek reflected great credit upon himself and were in keeping with the highest traditions of the Marine Corps and the United States Naval Service.''

After Chris died in combat he received a hero's welcome back in his hometown in Westwood, New Jersey. It was on January 20th, this year, that his flag-draped coffin passed through the streets of Westwood, which were lined as far as you could see with flags and residents and students all coming out who stood proudly, side by side, in a mass of people, to pay tribute to this young man.

Now, joining the procession were the Marines from Camp Lejeune who served alongside him. And one of the marines was Sergeant Ryan Harsman. Sergeant Harsman noted, When Chris walked into a room everyone knew that he was there. He just had that presence. He never ran out of fuel.

Now, the New York Fire Department also honored Chris and, this month, bestowed the title of honorary firefighter, because Sergeant Hrbek had been accepted to begin training with the fire department over in New York City, but he deferred his enrollment twice so that he could continue his service to the U.S. Marines.

Sergeant Hrbek set the highest example, someone who was willing to risk his life to save the lives of others. And so I am proud to be the sponsor of H.R. 4628 honoring the life of Sergeant Hrbek.

And I, with my colleague, join all my colleagues here to support this legislation memorializing Chris and his service to his hometown of Westwood, New Jersey, where Christopher Hrbek will forever be remembered as a hero, as a heroic marine, a loving husband, a son and a brother as well.

Mr. LYNCH. Madam Speaker, we have no further speakers on this, but I continue to reserve.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I consume to close. Let me just say that Sergeant Christopher Hrbek died preserving the lives of his fellow soldiers and the freedom of this Nation. And I urge that we support this bill to honor that spirit of sacrifice of a true hero embodied by Sergeant Hrbek.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I ask all Members on both sides of the aisle to join with Mr. GARRETT in honoring this proud young marine and in supporting H.R. 4628.

I yield back the balance of our 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 pass the bill, H.R. 4628.

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. 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.

RECOGNIZING THE SIGNIFICANCE OF NOWRUZ AND CONTRIBUTIONS OF IRANIAN-AMERICANS

Mr. LYNCH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 267) recognizing the cultural and historical significance of Nowruz, expressing appreciation to Iranian-Americans for their contributions to society, and wishing Iranian-Americans and the people of Iran a prosperous new year.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 267

Whereas Nowruz marks the traditional Iranian New Year, which originated in ancient Persia, and dates back more than 3,000 years;

Whereas Nowruz, meaning a ''New Day'', occurs on the vernal equinox and celebrates the arrival of spring;

Whereas Nowruz symbolizes a time of renewal and community, it harkens the departure from the trials and tribulations of the previous year and brings hope for the New Year;

Whereas Nowruz is celebrated by nearly 300,000,000 Iranians and other peoples all over the world, including in the United States, Iran, and other countries in Central Asia, South Asia, Caucasus, Crimea, and Balkan Regions;

Whereas Nowruz is celebrated by more than 1,000,000 Iranian-Americans of all backgrounds, including those with Baha'i, Christian, Jewish, Muslim, Zoroastrian, and nonreligious backgrounds;

Whereas the people of Iran have a long history of celebrating Nowruz and are congratulated for their bringing in of the New Year;

Whereas Nowruz embodies the tradition that each individual's thinking, speaking, and conduct should always be virtuous, and the ideal of compassion for our fellow human beings regardless of ethnicity or religion, and symbolizes a time of renewal and community;

Whereas the United States is a melting pot of ethnicities and religion and Nowruz contributes the richness of American culture and is consistent with our founding principles of peace and prosperity for all;

Whereas in 539 B.C., Cyrus the Great established one of the earliest charters on human rights, which abolished slavery and allowed for freedom of religion, and this marker in Iranian history has had significant impact on the respect for human rights that Iranian-Americans carry today;

Whereas Nowruz serves to remind the United States of the many noteworthy and lasting contributions of Iranian-Americans to the social and economic fabric of society in the United States;

Whereas Iranian-Americans continue to make contributions in all sectors of American public life, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States;

Whereas Iranian-Americans are vibrant, peaceful, and law-abiding citizens, many of whom are Baha'i, Christian, Jewish, Muslim, and Zoroastrian faiths; and

Whereas the Iranian-American community continues to enrich the tapestry of the diversity in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the cultural and historical significance of Nowruz;

(2) expresses its appreciation for the contributions of Iranian-Americans to society in the United States in observance of Nowruz; and

(3) wishes Iranian-Americans and the people of Iran and all those who observe this holiday a prosperous new year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I present House Resolution 267 for consideration. This legislation recognizes the cultural and historical significance of the traditional Iranian holiday of Nowruz, expresses our appreciation for the contributions of Iranian Americans to the United States and wishes all Iranian Americans, as well as the people of Iran, a prosperous new year.

This resolution has been offered by my friend and colleague, Representative MIKE HONDA of California.

I am going to yield to him such time as he may consume.

Mr. HONDA. Madam Speaker, I want to thank my good friend and colleague, Mr. LYNCH from Massachusetts, for yielding me time.

Madam Speaker, I rise today in support of my resolution, H. Res. 267, of the Iranian American community. Last year I introduced this resolution, which honors the Iranian New Year or Nowruz.

This resolution recognizes the cultural and historic significance of Nowruz, expresses appreciation for the contributions of Iranian Americans to society, and wishes Iranian Americans and the people of Iran a prosperous new year.

Nowruz will occur on March 21st of this year, and translates as ''A New Day'' or the first day of spring. This ancient holiday is rooted back to the Zoroastrian ancestors of modern Iran, and is celebrated over the first 13 days of spring.

Iranian American constituents of mine tell me it is their favorite time of the year, when families get together, picnic at a park, and celebrate the coming of spring and the new year. Many Iranian Americans also take the time to visit friends and contribute to local charities during this holiday.

Nowruz is not just celebrated by Iranians or Iranian Americans though. It is celebrated by over 300 million people across this world, and over one million Iranian Americans in our country. That is what intrigues me about this holiday. Nowruz festivities bring people together from all walks of life, not just Iranians, to join and celebrate as a community.

This ancient holiday has survived centuries of religious differences and political rivalries, and is celebrated by a diverse group of people from different religious and ethnic backgrounds.

Iranian Americans have made noteworthy and lasting contributions in all sectors of American public life, including as government, military, law enforcement officials, and in the fields of medicine, engineering and business.

I am proud to represent the civically engaged Iranian American community in my Silicon Valley district who continue to teach all of us about their rich cultural history. I've had the opportunity to have meaningful dialogues with them over the years and witness firsthand their contributions to our society.

Madam Speaker, I am proud to stand on the House floor today to recognize and honor the exceptional ways in which the Iranian American community enriches our Nation's diversity. I wish the Iranian American community, and all those who celebrate Nowruz, a prosperous new year.

□ 1500

Mrs. BIGGERT. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 267 and join my colleague from California (Mr. HONDA) in expressing appreciation to Iranian Americans for their contributions to society and wishing the people of Iran a prosperous new year.

Nowruz, meaning ''new day,'' is a 3,000-year-old tradition that marks the beginning of spring and is celebrated by over 300 million people worldwide. Originated in ancient Persia, Nowruz is not limited to a specific ethnicity, religion, or creed. To commemorate the ideals and principles of Nowruz, families decorate a special table called the Haft Seen or Seven S's with items that symbolize significant characteristics associated with Nowruz such as love, life, prosperity, beauty, health, happiness, honesty, and faith.

In congratulating Iranian Americans and Iranians throughout the world on this momentous holiday, I think it is important to acknowledge the many significant contributions of these fellow citizens and neighbors to the framework of our great Nation. Ostad Elahi, an Iranian philosopher, believes that it is everyone's duty to be useful in society and placed such importance on service to society that he considered it to be the true meaning of piety and altruism. Iranian Americans continue to hold true to this principle as evidenced by their many noteworthy contributions to this Nation. From science and technology to commerce and trade; academia and medicine to music and the arts, Iranian Americans continue to enrich the social and economic fabric of American society.

Madam Speaker, I hope that our colleagues will join in recognizing this holiday by strengthening the ties of mutual respect with one another while advancing a harmonious exchange of ideals with our neighbors. We should mark the coming year with a revival of our shared values, principles, and ethics in the spirit of Nowruz.

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

Mr. LYNCH. Madam Speaker, I have no further requests for time. I ask all Members on both sides of the aisle to join with Mr. HONDA, the principal sponsor of this resolution, and support House Resolution 267.

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. 267.

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. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 4 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. DAHLKEMPER) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

House Resolution 1145, House Resolution 1170, House Resolution 1163, and House Resolution 267, in each case by the yeas and nays.

Proceedings on H.R. 4628 will resume later in the week.

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

RECOGNIZING 125TH ANNIVERSARY OF THE UNIVERSITY OF ARIZONA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1145, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1145, as amended.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 38, as follows:

[Roll No. 112]

YEAS—392

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
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 (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
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
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)
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)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
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
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—38

Barrett (SC)
Bean
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Crenshaw
Davis (IL)
Deal (GA)
Fallin
Flake
Gingrey (GA)
Grijalva
Gutierrez
Hoekstra
Johnson (IL)
Kagen
Moran (VA)
Pascrell
Pence
Putnam
Quigley
Rogers (KY)
Ros-Lehtinen
Rush
Schrader
Shadegg
Shea-Porter
Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1904

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.

CONGRATULATING WINNERS OF VOICE OF DEMOCRACY SCHOLARSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1170, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (H. Res. 1170) that the House suspend the rules and agree to the resolution, H. Res. 1170.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 46, as follows:

[Roll No. 113]

YEAS—384

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
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
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)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)

Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
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
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—46

Barrett (SC)
Bean
Bishop (NY)
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Carney
Crenshaw
Davis (IL)
Davis (KY)
Deal (GA)
Doyle
Fallin
Flake
Gingrey (GA)
Grijalva
Gutierrez
Heinrich
Hoekstra
Johnson (IL)
Jones
Kagen
Moran (VA)
Owens
Pascrell
Pence
Putnam
Quigley
Rogers (KY)
Ros-Lehtinen
Rush
Schrader
Shadegg
Shea-Porter
Smith (NE)
Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

□ 1912

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. SMITH of Nebraska. Madam Speaker, on rollcall No. 113 I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. JONES. Madam Speaker, on rollcall No. 113, had I been present, I would have voted "yea."

RECOGNIZING 50TH ANNIVERSARY OF WASHINGTON STATE UNIVERSITY HONORS COLLEGE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1163, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1163.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 41, as follows:

[Roll No. 114]

YEAS—389

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bono Mack
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
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
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
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 (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
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
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)
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)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—41

Barrett (SC)
Bean
Blackburn
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Conaway
Crenshaw
Davis (IL)
Deal (GA)
Fallin
Flake
Gingrey (GA)
Grijalva
Gutierrez
Hoekstra
Johnson (IL)
Kagen
Moran (VA)
Pascrell
Pence
Putnam
Quigley
Rogers (KY)
Ros-Lehtinen
Rush
Schauer
Schrader
Shadegg
Shea-Porter
Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

□ 1920

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.

RECOGNIZING THE SIGNIFICANCE OF NOWRUZ AND CONTRIBUTIONS OF IRANIAN-AMERICANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 267, 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 Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 267.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 2, not voting 44, as follows:

[Roll No. 115]

YEAS—384

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus

Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bono Mack
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Calvert
Camp
Campbell
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
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 (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
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
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
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)
Paul
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
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
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—2

Miller (FL)
Posey

NOT VOTING—44

Barrett (SC)
Bean
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Crenshaw
Davis (AL)
Davis (IL)
Deal (GA)
Fallin
Flake
Garamendi
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Hoekstra
Johnson (IL)
Kagen
Moran (VA)
Pascrell
Payne
Pence
Putnam
Quigley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rush
Schrader
Shadegg
Shea-Porter
Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

□ 1927

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.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Monday, March 15, 2010 due to travel delays. If I were present, I would have voted:

"Yea" on rollcall 112, On Motion to Suspend the Rules and Agree to H. Res. 1145—Recognizing the University of Arizona's 125 years of dedication to excellence in higher education;

"Yea" on rollcall 113, On Motion to Suspend the Rules and Agree to H. Res. 1170—Congratulating the winners of the Voice of Democracy national scholarship program;

"Yea" on rollcall 114, On Motion to Suspend the Rules and Agree to H. Res. 1163—Recognizing Washington State University Honors College for 50 years of excellence;

"Yea" on rollcall 115, On Motion to Suspend the Rules and Agree to H. Res. 267—Recognizing the cultural and historical significance of Nowruz, expressing appreciation to Iranian-Americans for their contributions to society, and wishing Iranian-Americans and the people of Iran a prosperous new year.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 112 through 115.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 1177

Mr. MINNICK. Madam Speaker, I ask unanimous consent to remove Mr. SIMPSON as a cosponsor of House Resolution 1177. He was added in error.

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

There was no objection.

□ 1930

CONGRATULATING THE UNIVERSITY OF HOUSTON ON ITS NCAA BASKETBALL TOURNAMENT SELECTION

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

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to honor both my alma mater and hometown school, the University of Houston, and its men's basketball team, for being selected for the NCAA tournament for the first time in 18 years. The Cougars secured a bid to the tournament by winning the Conference USA championship game. Houston goes to the tournament with the Nation's leading scorer, Aubrey Coleman, and a solid team surrounding him. The team faces the University of Maryland on Friday in the opening round of the tournament.

While it's been some time since Houston has made an appearance in the NCAA tournament, we have a long history of success in the NCAA tournament, most notably in the early eighties. It was during this time, from 1982 to 1984, that Phi Slama Jama became the nickname of the University of Houston Cougars men's basketball team. The phrase was coined by a local sportswriter, Thomas Bonk, and the nickname was quickly adopted by the players and even appeared on team warm-up suits. Phi Slama Jama was coached by Guy Lewis and featured NBA Hall of Fame players Hakeem Olajuwon and Clyde Drexler. ''Texas' Tallest Fraternity'' was known for its dunking and explosive, fast-breaking style of play. While the 2009–2010 team has a different style of play, they're exciting to watch, and we'll be rooting for an upset on the number four seed on Friday.

GOVERNMENT DOES TOO MUCH FOR US, AND TOO MUCH TO US

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

Mr. POE of Texas. Madam Speaker, Dr. Adrian Rogers of Bellevue Baptist Church, Memphis, Tennessee, gave some sage advice over 20 years ago about the role of government. It is as relevant today it was when he first said

it. He said, ''You cannot multiply wealth by dividing it. You cannot legislate the poor into prosperity by legislating the wealthy out of prosperity. What one person receives without working for, another person must work for without receiving. The government cannot give to anybody anything the government does not first take from somebody else. When half of the people get the idea that they do not have to work because the other half is going to take care of them, then the other half gets the idea it does no good to work because somebody else is going to get what they work for. And that is the beginning of the end of any Nation.''

Madam Speaker, we are in a time when the government does too much for us and too much to us in the name of taking care of all of us.

And that's just the way it is.

FLAWED PLAN TO PASS HEALTH CARE

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

Mr. MORAN of Kansas. In an effort to pass health care reform, Democrat leadership is considering a procedural tactic known as the ''Slaughter solution'' that will allow the passage of the Senate health care bill without an actual vote. Skirting a direct vote on a trillion-dollar plan that would increase health care spending, cut Medicare by nearly $500 billion, and increase taxes by over $500 billion is outrageous.

And I'm not surprised that the House Democrats don't want their name attached to this Senate bill, which was pieced together through shameless vote peddling and secret backroom deals like the ''Cornhusker Kickback'' and the ''Louisiana Purchase.'' I'm not surprised that the Democratic leaders want to avoid a direct vote on a partisan measure that infuriated Americans and led to a stunning electoral upset in Massachusetts. I'm not surprised that Democrat leaders don't want their names linked to legislation that fails to reduce costs and adds to increasing deficit.

House Democrats have no problem imposing a flawed plan on the American people, but they are taking every opportunity to distance themselves from the passage of this package.

CONGRATULATING LASALLE COLLEGE HIGH SCHOOL AND STATE COLLEGE HIGH SCHOOL

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, it was late in December 2009 when two high school football teams met on a snow-covered field in Hersheypark Stadium. They were there to determine who would walk away as the Pennsylvania Interscholastic Athletic Association AAAA champions. It was LaSalle College High School versus State College High School. LaSalle won 24–7. Touchdowns were made by Sam Feleccia, Jamal Abdur-Rahman, and Tim Wade. Going into the game, LaSalle had a winning record of 13 wins and only one loss. Feleccia's 55-yard run pushed the Explorers ahead 24–0 with 4 minutes left in the quarter, sealing the victory for the Catholic school in front of more than 3,000 LaSalle fans.

The LaSalle Explorers became the first-ever Philadelphia city team to win a PIAA football title. They went on to the honor of having six of their team players selected for the Pennsylvania sports writers' all-State football teams. LaSalle's coach, Drew Gordon, was selected as the Coach of the Year. Runner-up State College had three players chosen for All-State.

I want to extend my sincere congratulations to LaSalle College High School for their outstanding victory and the State College Little Lions for an outstanding season.

SUPPORT ISRAEL

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

Mr. BURTON of Indiana. Madam Speaker, one of our best friends in the Middle East, if not the best friend, is Israel. Israel has been criticized by our State Department last week because they were going to build some additional housing in Jerusalem. They have accepted the premise that they shouldn't right now be building housing outside Jerusalem. They have a moratorium on that. I think that was worked out with our government.

But as far as building in Jerusalem is concerned, they have always built in Jerusalem, and they have allowed Christians and Muslims and other groups to build in Jerusalem. So I can't understand why the Secretary of State criticized Israel and Benjamin Netanyahu, the Prime Minister, for allowing the construction of new housing in Jerusalem, because it's always been done and there's never been a prohibition against it.

At a time when we should be worrying about what is going on in Iran, a nuclear development program that threatens the entire Middle East and energy supplies that we need in this country to keep our economy going, we certainly should not be criticizing our best friend, Israel. Israel is a best friend. They stuck with us through thick and thin, and we should support them in every way possible.

CANCER CLUSTER

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

Mr. ROONEY. Madam Speaker, today I had the opportunity to meet with a group of residents from an area of Palm Beach called ''The Acreage.'' Recently, a pediatric cancer cluster was confirmed in the Acreage, yet the cause is still unknown. In today's meeting, I spoke with mothers who have had children with brain tumors, along with other residents of the affected area. I was inspired by their optimism and dedication to this cause. They are not seeking to play the ''blame game.'' They are simply looking for answers. At the same time, I heard their frustration with the overall Federal Government involvement—or lack thereof.

While the State and local health departments have been active in investigating and confirming the cluster at the local level, there are limits to what they can do and experiences they can draw on. And so today I call on the Federal involvement to improve. Action is needed now by the CDC and other agencies so they can lend their expertise and knowledge from other investigations to assist as we move forward. This is not a political or partisan issue. It's about finding answers to what caused the cancer cluster so my constituents can get on with their lives.

THE WEEK FOR HEALTH CARE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, this is the week—the week—that we will have an opportunity to provide expanded coverage for Americans. I hope this will be the week of truth and not for misrepresentations that have been carried forward. I hope that those who are uninsured will understand now that 31 million will have insurance; that Medicare care will be protected and in actuality expanded by the basic benefits plan; that Medicaid will be reimbursed in all 50 States. There will be no fixes for 100 percent, and then, going forward, 95 percent, and then 90 percent to protect those who are impoverished; we will have a system of a pool of insurance companies to thwart the one-insurance-company per State. You will be able to shop for the best plan. If you have your insurance, you'll be able to keep it. If you're a small business, you'll have subsidies. As well, yes, we require companies to carry insurance. But I believe this is ''the week.'' It is a good week for America to vote for real health care reform.

HEALTH CARE TAKEOVER THIS WEEK

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

Mr. WILSON of South Carolina. Madam Speaker, this weekend I attended several community events throughout the Second District, and the message I received was clear: scrap

this government takeover of health care and start working across the aisle to create jobs. How many times are the American people going to have to reject this health care monstrosity before the message is finally taken to heart? Americans across the country are tired of Congress's misplaced priorities. Tragic unemployment continues to cripple many communities. Liberals are obsessed with passing a job-killing health care takeover. NFIB documents 1.6 million jobs will be killed by the takeover.

Americans want health care reform, but they want Congress to tackle the unemployment rate first through job creation incentives and then work together for a bipartisan health care reform that increases access and lower costs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

WOFFORD COLLEGE

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

Mr. INGLIS. Madam Speaker, I rise tonight to join a celebration going on in Spartanburg, South Carolina, because the Wofford College Terriers have won the Southern Conference Tournament Championship last week and they have gotten a ticket to the NCAA tournament. Led by Southern Conference Player of the Year Noah Dahlman, Wofford also won the regular season this year and then its first ever SoCon tournament title last week in Charlotte. Winning 13 straight games, Wofford will be making its first ever appearance in the NCAA tournament as the smallest school in the field of 65 this year, with 1,450 students. While the Terriers may be small in size, they played big in upset wins against Georgia and South Carolina.

My congratulations to Wofford head coach Mike Young and all the Terrier players. I'm with them all the way to the final. If they're against Duke at that point—sorry, all bets are off. Until then, I'm for the Terriers.

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 RIGHT OF PRIVACY IS VIOLATED BY GOVERNMENT TAKEOVER OF HEALTH CARE

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. Madam Speaker, the new health care bill is an invasion of people's privacy. It's another reason why we should vote it down. The government shouldn't be sticking its nose into people's medical records. It's none of the government's business. There's a ''health care integrity data bank'' in the bill that gives the Feds access to everyone's medical records. Once the government has everybody's medical records, none of that information is secure. Health care information should be between the patient and the doctor—and that's all. Not the patient and some yet unnamed, anonymous, unaccountable Federal bureaucrat.

Ask Joe the Plumber about government bureaucrats keeping personal information private. Joe was standing around in his front yard one day when the Presidential candidate walked right up to him for a little chat. It could have literally happened to any of us. Joe asked the candidate a question about ''spreading the wealth around.'' Well, some government bureaucrat didn't like his question. She saw it on the news. She took it upon herself to illegally dig up his tax records and leak all that information to the media.

Giving government bureaucrats access to people's most private health insurance gives them opportunity to misuse that information, private and intimate information. The right of privacy is almost sacred, and this Federal Government grab of health care will eliminate medical privacy. Why do you think there are 111 new Federal agencies in this 2,700-page bill? It's to administer and snoop around in the medical records of Americans.

If the government health care bill passes, privacy is history. Talk to your doctor? The government will know about it. You have some type of illness or disease? The government will know. Feeling a bit depressed after a family death and need some medication for that depression? Well, the government will even know about your mental health issues.

Is this the kind of information that should be in the hands of Federal bureaucrats? When you fill out that background information for your private doctor and they ask you all about the diseases and illnesses and medical problems you have ever had, now that formerly confidential information will be in the hands of Federal Government bureaucrats to use however they want to. That should make us all sleep very well tonight. Once medical records are available to the Feds, every government agency will be fighting for the right to get their hands on that information. That's the way bureaucrats work, especially when every individual's health in America becomes a Federal budget item.

□ 1945

Every American will be required to be a part of the Big Brother health care database because everybody will be required to have government-approved health insurance plans. It's not just the medical records that are no longer private. Under the government takeover of health care, they will have a plan for the government to have access to your banking records as well. The law now is that government has no access to your finances without a court order, but under the new plan, the government will have access to your bank accounts to make sure you're paying for that government-mandated health care or paying the fine on that failure to have insurance.

This 2,700-page bill gives the Feds the authority to automatically debit your bank account. Private medical records and bank records are none of the government's business. People won't talk to their doctor about problems anymore. They'll know somewhere in the deep, dark, dank dungeons of Washington, D.C., a Federal bureaucrat will be reading their medical records and their bank statements.

This is all an invasion of privacy and a violation of our Constitution, and those who say we can trust the government to keep this confidential live in an ''Alice in Wonderland'' existence. This whole scheme is a denial of individual liberty and an attempt to make America another European-style nanny state where the people are mere subjects to an oppressive, inefficient Federal bureaucracy. This health care takeover by the Feds is a violation of the right of privacy for all Americans.

And that's just the way it is.

FREEDOM OF THE PRESS CRACKDOWN IN AFGHANISTAN

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

Ms. WOOLSEY. Madam Speaker, for 8-plus years, we've been told that the military campaign in Afghanistan is about promoting freedom and democratic values, which is why the latest news out of Afghanistan is so disappointing and ironic. The Karzai government, which has proven itself corrupt and ineffective in so many ways, is imposing restrictions on media's freedom to cover suicide attacks. Of course the government insists, quite condescendingly, that this policy is simply about keeping journalists safe. It reminds me of when you were a kid and your parents told you they were enforcing some new rule or discipline because it was ''for your own good.'' Of course, you thought that they were doing it to serve their own interests, not yours. But in all seriousness, Madam Speaker, that's what's going on here.

This is censorship, plain and simple, designed to shield all of us from fully understanding the horrors and abject failures of this war. Sometimes, Madam Speaker, propaganda takes the form of active misinformation, but sometimes, as in this case, the propaganda is in what they don't tell you. Just as the previous Bush administration didn't want the coffins of dead U.S. soldiers photographed, the Afghan Government doesn't want its people or

the world to know that the insurgency remains alive and well. They don't want us to know about the violence. They don't want us to know about the bloodshed because they don't want us to know that this troop surge is not working, that it is emboldening rather than crushing Taliban militants.

And here is the richest irony of all. The Taliban, one of the cruelest and most repressive regimes Afghanistan or the world has ever known, has put out a statement tweaking the Afghan Government for an action against the recognized principles of freedom of speech. You know you've run afoul of civil liberties when you've gotten a rise out of the Taliban, which banned everything from the Internet to kite flying to painted fingernails.

Madam Speaker, democracy depends on the ability of citizens to make sound decisions based on open access to information. When we crack down on freedom of the press, we undermine the very foundation of democracy and everything we're fighting for in this war. This episode is just one more reason why we need to bring an end to the conflict and adopt an entirely new national security approach.

A smart security strategy would replace the military surge with a civilian surge. It would defeat terrorism by providing aid and promoting human rights instead of sending troops. And smart security would also have a strong democracy-building component to help principles like freedom of speech and the press to take root in the troubled regions of the world.

We cannot passively accept this decision by the Karzai government to impose a gag order on the media. I urge Secretary of State Clinton and Special Envoy Richard Holbrooke to raise this issue at the highest levels. At a time when Americans are sacrificing so very much, when they're being asked to send their sons and daughters to risk their lives halfway around the world, we owe them nothing less than the unvarnished truth about this war. Now is the moment for more information, not less; the bad news as well as the good news.

AFGHANISTAN WAR POWERS RESOLUTION

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. Madam Speaker, last week during the debate on Afghanistan, I spoke on the floor. I was in support of the resolution introduced by Mr. KUCINICH, House Resolution 248, and I used in my remarks an article from Marine Corps Times of November 2, 2009. It says, ''Caution Killed My Son: Marine families blast 'suicidal' tactics in Afghanistan.'' Sadly, Retired Marine First Sergeant John Bernard lost his son Lance Corporal Joshua Bernard, 19, who was killed in Afghanistan; and from that, his concern was that the rules of engagement have changed to such a point where our military is restricted in certain areas of what they can use in the way of defending themselves.

Well, after I read part of the article on the floor, it really got on my mind about, you know, what are we doing to our military if we're asking them to go to Afghanistan and fight, yet we tell them in certain situations, You cannot use your weapons? So I asked my staff to email a very dear friend of mine who is a retired senior military general. I wanted him to help me understand the rules of engagement. Well, the comments that he sent back really didn't speak to my question of rules of engagement, but I want to share with you part of his email back to my staff.

''As I wrote and mentioned to Congressman Jones before, trying to 'win' in Afghanistan is a losing proposition. You are not dealing with a nation-state, nor are you dealing with state actors. Afghanistan is a tribal country, and we are involved in a tribal warfare. Bottom line: as I told Congressman Jones before, Afghanistan has been too tough a nut to crack for every nation that has ever tried to crack it. We need to figure out a way to honorably pack our bags and get out. It is not in our national interest to be there. Al Qaeda is the enemy . . . not some tribesmen who are loosely affiliated with something called the Taliban. Al Qaeda does not need Afghanistan to attack us. They play 'whack-a-mole' . . . we beat them down in one location and they will pop up somewhere else. Case in point—Yemen. If we want to fight these guys, we need to fight like them. Hunter-killer teams supported by air and artillery . . . set ourselves up in the bad guys' backyard and hit them whenever they show their faces.''

Madam Speaker, before I close, I want to say again that I am concerned about the issue of rules of engagement. I intend to write the chairman of the Armed Services Committee and ask for hearings, because it's not fair to send our men and women overseas to fight for this country and then tell them that they're handcuffed. They can only shoot at certain times to defend themselves.

Madam Speaker, with that, before I yield back my time, as you know, I have signed over 9,000 letters to families and extended families who have lost loved ones in Afghanistan and Iraq because I will go to my grave regretting that I voted to send our troops to Iraq. Madam Speaker, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I will ask God to please bless the House and Senate, that we will do what is right in the eyes of God. And I will ask God to give wisdom, strength, and courage to the President of the United States, President Obama, that he will do what is right in the eyes of God. And I will ask three times, God please, God please, God please continue to bless America.

THE U.S.-ISRAEL RELATIONSHIP

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

Mr. ENGEL. Madam Speaker, I rise this evening to reaffirm the strength of the U.S.-Israel relationship. Both of our countries have shared values. Both of our countries are democracies. Israel is the only democracy in the Middle East. I know there have been some difficulties during the past few days.

When Vice President BIDEN visited Israel, there was an announcement of the expansion of a neighborhood in North Jerusalem. The timing of that announcement was wrong, but I don't think that we should blow the timing of that announcement out of proportion. We should not have a disproportionate response to Israel. We need to be careful and measured in our response, and I think we all have to take a step back.

The relationship remains rock solid. The Obama administration and the administration of Prime Minister Netanyahu have been cooperating on a number of things: containing Iran, the Goldstone Report, and making sure that Israel retains its qualitative military edge in the region. And there has been good cooperation between our two administrations, the Obama administration and the Netanyahu administration. But to seem to question the very nature of the U.S.-Israel relationship and to put it in personal terms in a very public way will not contribute to peace in the Middle East. Rather, it's the contrary. It will cause the Palestinians to dig in their heels, thinking that the Americans can just deliver the Israelis.

Last year, when there was public pressure being put on Israel not to expand settlements, there was no simultaneous public pressure being put on the Palestinians, and we saw that the Palestinian President Mahmoud Abbas just sat back, didn't make any concessions, didn't say that he would do anything positively to further peace talks, and just thought that the United States would wring concessions out of Israel.

The fact of the matter is that the Israelis have been welcoming peace talks with the Palestinians. The Israelis have said they would sit down and have face-to-face talks for peace with the Palestinians. That's what you do when you have peace. Instead, the Palestinians have refused to sit with the Israelis, and Senator Mitchell is proposing to shuttle back and forth between the Palestinian side and the Israeli side to have negotiations, but not direct negotiations.

We need to be careful. If we criticize Israel for doing what we think was

wrong, then we need to also criticize the Palestinians when they do things wrong. Just recently, the Palestinians named a square in Ramallah for a terrorist who killed 30-some-odd Israelis. I didn't hear any criticism of the Palestinian side. When the Palestinians dig in their heels and say they won't recognize Israel as a Jewish state, I didn't hear any criticism of Palestinians.

So all I am saying, Madam Speaker, is that we need to not only reaffirm the strength of our ties between our two countries, but we also need to understand that in a relationship between friends, as in family, there will be some disagreements. We need to be careful about how we voice those disagreements in public.

Let me say that harsh words are never a replacement for working together, but I think that harsh words can sometimes make us understand that only by working together can we confront the things that we both know need to be confronted—the scourge of terrorism, the thing that all nations understand emanates in the Middle East from radical forces, and those are the kinds of fights that Israel has every single day fighting terrorism. We learned about terrorism on this soil on 9/11. Israel has to deal with it every day.

So let me just say in conclusion that I think we need to take a step back. We need to reaffirm all the things that bring our two countries together. We in the United States understand that our best friend in the Middle East is Israel, and we need to continue with Israel. When we have disagreements, we have to talk about them, but we have to always understand that only by working together can we have peace in the Middle East.

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

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

RULES OF ENGAGEMENT

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. You know, tonight, Madam Speaker, I was going to talk about health care. I think that subject's been covered fairly well by my predecessors, but I will be talking about it later this week, like all my colleagues on the Republican side will.

But what I'd like to talk about is what my colleague from North Carolina just talked about a few minutes ago, and that's the rules of engagement in the conflict in Afghanistan and Iraq.

One of the things that really surprised me was that we have three Navy SEALs that are being court-martialed right now for capturing an al Qaeda terrorist in Fallujah, Iraq. And this terrorist took four American contractors, one who was a retired Navy SEAL, he tortured them, he killed them, dragged their bodies through the streets, and then burned their bodies and hung them from a bridge. I think most people in America, Madam Speaker, probably saw that and were horrified that someone could be that inhumane.

But this man is an al Qaeda terrorist, one of the leaders over there, and we've been after him for some time. So we sent these three Navy SEALs to get him, and they did their job. These Navy SEALs, and many of the super-trained military personnel that we have, do an outstanding job in going after these people and risk their lives. In fact, in Afghanistan, we lost 19 Navy SEALs doing their job not too long ago when they went after an al Qaeda terrorist.

In any event, they captured this terrorist, and they brought him back so that he could be questioned and dealt with. They turned him over to the Iraqi military for a couple of days, and then he was turned back over to them. And then he said that he had been hit in the stomach by one of the Navy SEALs, and he had a split lip.

Now, bear in mind that this guy had murdered and tortured four American contractors and hung their bodies from a bridge. And he was complaining because he was hit in the stomach and had a bloody lip. Well, the Navy SEALs said that they didn't do that, and there's several witnesses that said they didn't do that. But one person off in the distance said that he saw some kind of an altercation. And because of that, they're being court-martialed.

Now, get this, Madam Speaker. They're being court-martialed for risking their lives and capturing a terrorist who killed and tortured four American contractors and who, we believe, was involved in beheading some other Americans.

I can't believe it. I don't understand what the administration and what our Defense Department's doing. We should be going after these people, and we can't go after them with kid gloves. We can't keep—we can't coddling them. These people are terrorists.

And my colleague from North Carolina that talked about the rules of engagement—now in Afghanistan we have military personnel over there that are told when and how they can shoot at the enemy who may be firing at them. And I've been told that many of the Taliban and al Qaeda terrorists over there, if they see they're going to be hit or attacked, they'll drop their guns after firing at the American personnel and our NATO allies. It's just crazy. You can't run a war like that.

And so I'd like to say to the Defense Department and to the President of the United States, if he were listening—I know I can't talk to him directly because I can only talk to the House and my colleagues. I can't talk to the people of America, even if they might be paying attention. But we can't run a war like this. We have to go after the terrorists, no holds barred. If we catch them and they're terrorists we should bring them to justice or kill them. It's just that simple.

And we shouldn't be holding our military personnel like these three Navy SEALs up to a standard that's impossible for them to be able to attain. They have to do their job. They risk their lives. Many of them get killed and come back maimed. I've been out to Walter Reed and to Bethesda, and I've seen the horrible things that happen in war and how they lose their arms and legs and are maimed for life. But they do that to help us maintain our freedom and our democracy, our Republic.

And so I hope that somebody in the Defense Department may be listening and paying attention, Madam Speaker, and in the administration. We need to take the gloves off of our men and women in combat and let them know we're behind them 100 percent. And these Navy SEALs should not be court-martialed, as is the case right now.

We have sent 140,000 petitions to the Defense Department asking for this case to be dropped. I hope it will be dropped. But we are not going to let this thing go away. We're going to fight for these Navy SEALs until we get them exonerated. If anything, they should get medals for what they did.

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

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

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

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

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

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

RESOLUTION CALLING FOR SUPPORT OF CUBA'S PRO-DEMOCRACY MOVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, inside the

gulag of prisons in the Caribbean totalitarian state of the Castro brothers, a few days ago six heroes managed to get a statement out of one of the prisons, and I'd like to read it at this time.

''We continue to suffer cruel treatment, inhuman, degrading treatment, and even torture in the Communist regime's prisons. We ask all who support Cuba's freedom to, between March 12 and March 31, unite in short periods of fasting and study of the Bible, demanding the liberation of all political prisoners and liberty and democracy in Cuba. Please engage in short fasts and prayer sessions in your homes, churches, or other public gathering places, and speak out in articles and conferences to reflect upon and help implement, through peaceful, just, and patriotic means, the long-sought objectives of the Cuban people.''

And this statement is from Oscar Elias Biscet, Julio Cesar Galvez, Ricardo Gonzalez, Normando Hernandez, Regis Iglesias, and Angel Moya. They are in the Combinado del Este prison of Cuba. This was sent March 3rd.

The Parliamentary Forum of the Community of Democracies was formed this last Friday, Madam Speaker, under the leadership of Lithuania, that is chairing the Community of Democracies, and especially a magnificent diplomat, Ambassador Pavilionis.

Lithuania led the Community of Democracies to form a parliamentary assembly, the Parliamentary Forum, and the first meeting was held in Vilnius, Lithuania, on Friday. And the first resolution by motion of the new president of the Parliamentary Forum of the Community of Democracies, President Zingeris, the first resolution of that Parliamentary Forum of the Community of Democracies, I'd like to read. It's titled Calling for Support of Cuba's Pro-Democracy Movement. In the convening meeting, the Parliamentary Forum of the Community of Democracies, Vilnius, Lithuania, March 12, 2010:

''Whereas the pro-democracy movement in Cuba has grown at a rapid pace over the last 3 years, and specifically expressions of the movement are evident today in the explosion of bloggers, independent journalists and musicians, artists, writers, and others who are using their talents to denounce the atrocities of the dictatorship, all while putting forth new ideas for the transition to democracy;

''Whereas there are still extraordinary obstacles to overcome such as the continued repression by the totalitarian dictatorship, extremely limited access to the Internet and 'texting' capabilities, and a lack of a coherent message of solidarity from the international community;

''Whereas the dictatorship is fearful of the growth of the pro-democracy movement;

''Whereas the message of the movement is coherent and clear in demanding freedom for all Cuban political prisoners, beginning with those are gravely ill inside the prisons, freedom of expression, and fair multiparty elections with international supervision;

''Whereas this common position of the Cuban pro-democracy movement requires recognition, dissemination, and solidarity on the part of the international community;

''Whereas now more than ever the Cuban pro-democracy movement requires that the democratic community take concrete steps to demonstrate its solidarity;

''Now, therefore it is resolved by the Parliamentary Forum of the Community of Democracies that it condemns the brutality of the Cuban regime against Cuban political prisoners;

expresses its full support for the Cuban pro-democracy movement;

honors Cuban pro-democracy fighters such as the martyr Orlando Zapata Tamayo and express its admiration for the efforts of other heroes such as Guillermo Farinas;

calls for the immediate release of all Cuban political prisoners and free multiparty elections in Cuba; and

calls on the democratic community to take concrete steps in demonstrating their solidarity with the Cuban pro-democracy movement by providing humanitarian and technological assistance to the pro-democracy movement, urging foreign diplomatic posts in Havana to strengthen contacts with pro-democracy activists on the island, encouraging foreign dignitaries to visit Cuba for the sole purpose of meeting with pro-democracy activists, and looking for opportunities to reiterate and support the common position of the Cuban pro-democracy movement in the international community.''

This action by the Parliamentary Forum of the Community of Democracies deserves commendation. Those heroes in the gulag who are suffering today are the leaders of Cuba tomorrow, and they deserve our support.

THE RULE OF LAW

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

Mr. CARTER. Madam Speaker, for the past, about—I don't know—12 to 18 months, I've been coming on the floor of the House and talking about various aspects of the rule of law. The rule of law is the underpinning upon which our society is built. We've talked about this over and over. We've talked about it in terms of ethical issues that pertain to people in this House. We've talked about it in terms of criminal actions. We've talked about it in terms of what's going on with our military.

You heard some speakers here tonight raise some issues concerning how we fight wars, rules of engagement. All of these are rules we set for ourselves in some form or fashion.

Well, I've also been on this floor talking about the fact that political correctness, in my humble opinion, is becoming so rampant in our society that we forget the ''why'' of what we are doing because we're so afraid of offending someone.

I am from central Texas. My district includes the largest military facility, as far as soldiers are concerned, on the face of the globe, Fort Hood, Texas. I think everybody, those of us from central Texas, we know Fort Hood, and when we hear Fort Hood we have a lot of great thoughts about the great soldiers out there, we have great thoughts about the great commanders that serve at Fort Hood, about the awesome accomplishments of the soldiers that have passed through Fort Hood for generations, fighting our Nation's battles on every shore you can imagine and all over this country, dating back to the Civil War.

Fort Hood doesn't date back to the Civil War, but Fort Hood is named after a Civil War soldier. We are proud of Fort Hood.

But, unfortunately, because of something that happened this year, Fort Hood will also be identified always in the minds of American citizens as a place where a terrorist stabbed people in the back by walking down the line of soldiers and shooting soldiers just standing in line, either checking in from going to war or checking out, getting ready to go to war. They were not armed. They were not doing anything more than what's required of them by the Army to process into or out of the facility.

And yet, a man who's now—we call him the accused, but over 200 people witnessed Mr. Hasan go on a shooting rampage, killing soldiers who were doing nothing more than standing in line, or processing another soldier. These were not people that were at war or were armed to defend themselves. Had they been armed to defend themselves, Mr. Hasan wouldn't have gotten over more than maybe one shot before he would have died, because these were professional soldiers who knew exactly how to take care of business.

But they were not armed. And, in fact, they were in a safe place. That's the sad thing. They were in a safe place, a place where they should have been safe or where they thought they were safe, and where maybe never again they will think that they are safe because of what happened that day.

□ 2015

Now, this was not some terrorist that sneaked into our country. This was a man that had joined the United States Army and, through the goodness of the American citizen and the American taxpayer, received a medical degree with a psychiatric specialty; and all of this was paid for by the United States Army. He did his medical school, his residency, his post-residency training and his residency for psychiatry all

while working for the U.S. Army and all paid for by the United States Government. He was an American citizen.

And yet homemade jihadism, we're now calling it, and some of that has been in the news this week, caused this man to go out and murder 13 people and one unborn child and wound or injure 43 additional people. There's one soldier right now—I won't mention his name but if he's watching he'll know who I'm talking about—he's sitting in a hospital in South Austin, he was shot multiple times, he's had a plate put in his head and it was rejected and he's going to have another plate put in his head. When I talked to his father, his father said: Two deployments. We prayed and worried our son all the way through two deployments. He came out with not a scratch. He's at home where he should be safe and this animal killed him; almost killed him. He's surviving through his heart being big and being tough and having a family and an Army that supports him.

This young man had been so successful in his last deployment that they were sending him to Officer Candidate School. He was not even stationed at Fort Hood. He was just transitioning through there to Officer Candidate School when he was shot. He still hopes to be an officer in the United States Army, and we are very hopeful that he will be, but he's a seriously wounded soldier. But he's going to make it and hopefully he'll get back in the Army that he loves.

And this is this domestic terrorist who decided he would take it upon himself to start a fight, right there at Fort Hood. Not a real fight, a one-sided fight, where he was the only guy with a gun. He had two of them. And he got to selectively shoot who he wanted to shoot, and he shot men and women in uniform. I don't know about you, but I think this was just another theater of war, a war that we've been fighting in Iraq and a war that we've been fighting in Afghanistan, against these terrorists who indiscriminately think that they have the right to kill in the name of whatever cause they call it. Some would say they are religious fanatics. Others would say they are jihadists and they have some kind of fanatical following. Whatever it may be. This is who we've been at war with now for 10 or 12 years.

And as we were told when it all started, it's going to be a long fight, maybe the longest in the history of the Republic. And it's approaching that now. I think these kids, these young men and women, were killed on the battlefield of Fort Hood, and that's why I've introduced a piece of legislation to have them get the kind of benefits of people who get killed in combat or wounded in combat get, and that is that if there are medals to be awarded, they should get a medal; if they are wounded, they should get a Purple Heart.

I've already heard a story of a sergeant who was there with several of his troops. The sergeant was shot four times and as the man lowered the pistol to fire the fifth time, one of his enlisted men, thinking he couldn't take anymore, jumped in between the shooter and the sergeant to protect his sergeant and took the three other rounds that were fired. Had that taken place on the battlefield, I'm sure that would be something that would be heroism in the line of fire, and I think that young man should be awarded something like the Bronze Star, the Silver Star, something like that. I don't know. I'm not saying what medal, but he ought to get a medal for it. And if there are families from this combat experience who either lost a loved one or were injured from this battle at Fort Hood, I think they ought to get the extended combat benefits that we give to our soldiers when we send them into harm's way on a battlefield. And I think the American people, if they heard about that, would think, sure they ought to get that; that this was just another battle.

Because, remember, the testimony will be when this trial comes out, because I've talked to a lot of these soldiers that were there, that he was shooting soldiers. If he hit any civilians, it's just because he missed. But he was walking down the line shooting soldiers. He was declaring war on the American soldier.

I wanted to talk tonight about Fort Hood and what's going on there, the fact that we've got a report out that doesn't even mention radical jihadists or mention even the name of the shooter, and I'm afraid it was done because somebody was afraid they were going to step on somebody's toes. I've had some tell me they did it because they wanted to protect the prosecution of this man. Being a judge who tried cases in his courtroom for 20 years, including, I believe, five or six capital murder cases, I can assure you that if you can't prove a case with 200 eyewitnesses, you've got a serious problem with your lawyers. So I don't hesitate to say what I think about this thing because I think it was wrong for them not to report accurately who the person was and what he did.

I am joined by a good friend of mine who is a former Federal prosecutor, MIKE MCCAUL. He's my friend, my colleague from Texas, my neighbor, right down the road. I'm glad he's come to join us, and I will yield to my friend from Texas whatever time he wishes to consume.

Mr. MCCAUL. I thank the gentleman from Texas and your hosting this leadership hour and your great leadership on this issue. You and I see this the same way. You were a judge. I was a Federal prosecutor. We respect the rule of law, but we respect the truth. We call it like it is. We call it like we see it. That's what Texans do. And the way I see it is this matter has been swept under the rug; we're not calling it what it is.

You and I, I think, were some of the first two Members of Congress to stand up and say, you know what, that was an act of terrorism that occurred the other day at Fort Hood. That was an act of a terrorist. Not some criminal defendant. This was an act of terrorism. You stood up, in representing Fort Hood in your usual way, and said that's what it was and I stood up and said the same. And it took months before the Secretary of Homeland Security came before our committee and finally acknowledged what we had said all along and that this was truly an act of terrorism.

I want to congratulate you for your bill, which essentially acknowledges it for what it was, and that was an act of war on U.S. soil, combat, recognizing the victims and their families, giving them the combat pay that they deserve. You and I were at the ceremony, the memorial service, one of the most dramatic memorial services I think I've ever attended. I know the gentleman feels the same way.

I just wanted to hold up a picture of that tragic day, where we had 13 pairs of combat boots, 13 rifles with 13 helmets honoring the dead and, of course, one unborn child; 43 injured, two of those injured standing next to me in this photograph. I asked them the question, because they are the best evidence, what happened that day? They were shot by him. What did he say to you? And these two said: Congressman, he said ''Allahu Akbar.'' He screamed ''Allahu Akbar'' as he gunned down my colleagues in cold blood, as he wounded 43 soldiers on the base, the largest military installation in the country.

And who is this man? I met with General Cone at the ceremony and I said, Would you have liked to have known that a major on your base was making communications with the top al Qaeda operative?

Sure I would have.

What happened that day? The Joint Terrorism Task Force who I used to work with when I was a prosecutor had that evidence; a Department of Defense representative on the JTTF had that evidence; but for a variety of reasons—and I've questioned witnesses on this—did not want to share that with the commander of Fort Hood; for a variety of reasons. But for God's sake at least let the commanding officer know that he's got a major—this is not some ordinary event—a major on his base talking to an al Qaeda operative in Yemen, a man who it has come to our attention in a big way recently with the Christmas bomber, the same radical cleric who talked to the Christmas bomber.

But who is Mr. Hasan? And thank God he's a terrorist that is going to face a military tribunal. Well, he was born of Jordanian immigrants. Each of these, as the case unfolded, if you will, raised a flag as to who is this man. We talk a lot about connecting the dots, but these were dots that popped up that were failed to be acted upon. Why weren't these dots acted upon?

A man who said his allegiance was to the Koran, not the Constitution.

A man who described the war on terrorism as a war against Islam, according to a doctor who was in a graduate program with him.

A man who argued that Muslims are being targeted by U.S. anti-terror campaigns. A former classmate said of Mr. Hasan, he was very vocal about the war; very up-front about being a Muslim first and an American second.

And if that's politically incorrect for me to say that, all I'm saying here in this Chamber is the truth. You take it for what it is.

He was also concerned that Muslims in the military were being persecuted. On his business cards—this is all the evidence of this man—his business card said Soldier of Allah. We know that the morning of the shooting he wore traditional Pakistani garb at the 7-Eleven that morning. He was known to wear that off-duty. Certainly there are religious protections in this country for that.

But all these flags put together shows us an individual who was presenting a threat to the soldiers. We know al Qaeda has targeted military installations. We know they targeted Fort Dix. The question that General Cone asked me was, We just don't know how many more Hasans are out there. How many more Hasans are out there who are a direct threat to our military installations? The cleric in Yemen basically said that Hasan trusted him and praised him as a hero after the shooting. ''God is great,'' that's what he screamed when he shot those men in cold blood. I can't think of anything more sickening to my heart as a God-fearing man, a Christian, or anybody who believes in God, to believe in a God where you could say, ''God is great'' as you're killing somebody. That's a perverted, twisted religion. That is what we are dealing with.

I have asked the Homeland Security Committee through letters. I am ranking on the Homeland Security Intelligence Subcommittee. I asked Chairwoman JANE HARMAN to hold hearings on this. We asked BENNIE THOMPSON, the majority chairman of the Homeland Security Committee, to hold hearings on this matter, because the American people are entitled to know what happened that day. And yet we got a report, a report that really didn't say a whole lot, a report that was so politically correct, it didn't even mention radical Islam. Well, in my view, that's what this war is all about that we're in right now, is a war against the extremists, against a radical, perverted teaching of Islam that says it's okay to kill in the name of Allah. The day we recognize that in this country, I think is the day we're going to be a lot safer.

I have a lot more to say, but I know the gentleman probably has some comments, but I do want to thank you for being one of the first ones to step out of the box and say this was an act of terrorism. I'm glad that NAPOLITANO has come around to that same conclusion. And I want to thank you also for your steadfast support for our troops. You represent a base that has more soldiers than any in the world, and I know how proud you are of them and how well you represent them, and I want to personally thank you for that.

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Mr. CARTER. I thank my friend, Mr. MCCAUL, for those kind words. And let's look at this exhibit we have got here. Congressman MCCAUL, you have touched on a lot of these things. But you know, it was said by Mr. Nidal Hasan that he felt that he was being persecuted by people. And I have an old Gulf War colonel who said, You know, the Army must have changed a whole lot since I left the Army, because I never did know any enlisted men that would persecute a major in the United States Army. It makes to sense what he says, that enlisted men were persecuting a major. It makes no sense.

But the first question you need to ask yourself is how does a man who has shown the signs of radical Islamic behavior on multiple occasions, who has acted erratically for months before the attack and, I would argue and the evidence will show, actually for years before the attack—in fact, one of our Members of this House has talked to a doctor who went through medical school with him and said he was doing this in medical school, which is long before this period of time. And he promoted radical Islamic views at Walter Reed Hospital. He exchanged emails with this al-Aulaqi character, this radical imam character. How does a guy do those things and get promoted to major? He didn't start out in the Army as a major. He got promoted to major. He got moved down the line.

Well, I am going to tell you. And this is only my opinion, but it is based upon some experience I have had in my life. I tried a case one time back in the eighties that involved a nurse. And in our case she was accused of killing a baby while giving it its injections for typhoid-tetanus at a doctor's office and intentionally killing that baby. And there was an awful lot of evidence that while working in an intensive care neonatal unit in San Antonio, a lot of other babies died very mysteriously on her watch. And unless I am mistaken, she got life imprisonment and she is still there.

But what is interesting is the system she was working in, when they started seeing unusual behavior, rather than doing something about it for fear of offending someone, they just recommended her for another job. And this pediatrician who was operating in Kerrville had asked whether this nurse would be a good nurse to go to work for them. And she got glowing reports from people who were looking at records and saying something is wrong when this lady is on duty.

You ask why would people do that? Well, because people have gotten to where we are so afraid of stepping on somebody's toes or offending someone because of their class, sexual classification, whatever it may be, that we don't just speak the truth. Something smells here. Something's bad. This doesn't make sense. We need to ask questions about this. We can't have a society like this. We have to be able, when we see something that looks wrong, to say that is wrong.

That is why I have got a bill that I introduced and will be working on it even further, the Military Whistleblower Protection Act. We have whistleblower protection which is very effective in the United States in many categories. And one of the things that happens in the military is your progress report; how you are doing in your job in the military is very important to whether you are going to be promoted to the next rank. And if you don't get promoted in the military, your days in the military are numbered. So you need to be promoted.

Many people fear to speak out in something like this for fear that someone might think they are exhibiting some sort of prejudice or prejudicial behavior which would go on their record and maybe prevent them from being advanced in the military even though everything else says they should be advanced. So they fear speaking out for fear of retribution. And they have made movies about whistleblowers. People know that in our society today the guy that steps up and says something and gets fired because he said it has a protection under the law called the whistleblower act. So I have asked us to look at granting to the Members of Congress the right to create a whistleblower act and doing it to protect our soldiers.

So we have got a whistleblower act that basically says that servicemembers can report unusual, bizarre behavior by other members, whether they be equal rank or other rank, without fear of retribution, and especially as it relates to radical Islamic threats, as we saw in this case.

Mr. MCCAUL mentioned one of the things that we need somebody in the Department of Defense to say is that this involved a radical Islamic terrorist event. I have had my differences with Ms. Napolitano, but I will give her credit: when she was asked both in Mr. MCCAUL's committee and in the Appropriations Subcommittee of Homeland Security, she made the statement that this was a violent Islamic terrorist act that took place at Fort Hood. She had the courage to call it what it is.

It is time for the Defense Department to call it what it is, to recognize these were men and women put in harm's way because they were serving in the United States Army in the presence of an enemy combatant with a gun. And that is why they should get the kind of benefits, including medals that should be awarded for heroism, if they deserve them and they earned them. So I commend Secretary Napolitano for being a person who speaks the truth.

Mr. MCCAUL. If the gentleman would yield.

Mr. CARTER. Yes, I will yield.

Mr. MCCAUL. It was refreshing to see that. And I don't always agree with her either, but she had the courage to call it like it is, like you and I called it for quite some time. The sad thing is there are 13 dead, one unborn, and 43 wounded because people didn't have the guts to stand up and call it what it was. You know, the day that happened it seemed to me there was a systematic process of trying to—like you said, I was a prosecutor too. If you can't win this case, you know, you need to get out of the business. The sweeping under the rug and not wanting to hold hearings on this issue and not willing to brief us.

We finally got a briefing on this just a couple of weeks ago for the first time. And you saw the impact this administration was trying to have on this whole thing that no, this wasn't—you know, we can't really call it what it is because we don't want to offend anybody. Well, that is the same type of attitude that led to this monster killing 13 people to begin with.

It was when all these red flags popped up and these dots, if you will, when they popped up, no one had the guts to act on it. And they want to sweep it under the rug, and they swept his promotion. They promoted him, even though all this was out there, swept it under the rug. And now even after the tragic events that happened that day, there is an attempt, in my view, to try to sweep all this under the rug and trying to move forward.

You know, this is one example of many things that have happened this past year. I always said that they like to attack a President in the first year of office, al Qaeda. They did it with Bill Clinton, '93 World Trade Center. They did it with George W. Bush with 9/11. And I predicted that this was going to happen under this President's watch this year. And not only did this happen, but we had the same radical cleric tied to the Christmas bomber. Fortunately, Mr. Hasan will face a military tribunal. The Christmas bomber, on the other hand, will not.

We had several events over the last year of threats to the United States and multiple attempted terrorist attacks on the United States of America. And I think it is high time we recognize it and see it for what it is to better protect the American people and our military bases that we know are being targeted right now. The idea that the Joint Terrorism Task Force and, again, these are friends of mine, that they had this information and they didn't—I understand compromising investigations. But you could at least let the general at the base know that he has an individual, a major, in his outfit talking to a top al Qaeda recruiter, and you may just want to put him under observation. You don't have to question him, you don't have to dig into his files, you don't have to put him on alert that we are looking at him; but you may want to kind of just monitor his actions because there is some radical stuff going on, and potentially he could be a threat.

This man did not believe in the mission. The irony of Mr. Hasan is he was the man trained and paid for by the taxpayer in the United States Army to counsel people coming back from the theater of war, and he didn't believe in the mission. I can only imagine what kind of counseling he was giving to these troops coming back from the war theaters that you and I have been to in Iraq and Afghanistan and what he was telling them when he himself didn't believe in the mission they were sent to do. That is the absurd irony of Mr. Hasan.

And, again, as General Cone asked, how many more Hasans are out there? I think we have a duty in the Congress. I think the Department of Defense has a duty. I hope the Webster report will uncover more of this. But we have a duty to better protect our soldiers not only abroad, but right here in the United States. And that is the great, awful tragic event of what happened was that it happened on American soil and it happened in their home. That is just not supposed to occur in this country.

It needs to be taken seriously. It shouldn't be swept under the rug. And I think we should continue to do this and continue to ask the majority to hold hearings on this. And you know, as Secretary Napolitano admitted, it was a violent Islamic terrorist attack. I think the Department of Defense needs to come forward with that as well, and I think we have an obligation to the American people not to sweep this under the rug, to prevent future actions from occurring. Our oversight responsibilities under the Constitution I take very seriously, and we have a duty here in the Congress to hold those hearings and get to the bottom of this case so we can stop it in the future.

I went down to Guantanamo after the President decided to close it down, and I saw Khalid Sheikh Mohammed. And it was during prayer hour. And he was laying on his rug, bowing to Mecca. And it was one of the most chilling things I have ever seen in my life. A man responsible for killing 3,000 Americans, and the idea that we are going to bring him into the United States. And look, I am a Federal prosecutor. The Southern District of New York is one of the best U.S. Attorney's offices in the country. But are we going to treat these people as criminal defendants or enemy combatants? Are we going to say that this is a war or a criminal prosecution?

It seems to me that we are slipping back into the Clinton years, where we really looked at these as really just illegal criminal prosecution, not an act of warfare perpetrated against the United States of America. It seems to me, particularly with the top 16 al Qaeda operatives, many of whom were responsible for 9/11, that was an act of warfare, and it should be treated as such.

□ 2045

Mr. CARTER. This exhibit right here has a picture actually of the Pentagon right after it was hit. We have this displayed here because in talking about the receiving of medals by our soldiers at Fort Hood and getting the kind of benefits that you get from being in combat, we awarded the people killed and injured by the plane that flew into the Pentagon with exactly those benefits. And I am told by members of the Armed Services Committee that it was done without an act of Congress; although, I will ask for this Congress to act.

I have also written a letter to Secretary Gates asking him for the same administrative remedy for these casualties of the war on terror on American soil. We gave it to them. It was a horrendous act. That picture, and other pictures from that time, should be cemented in our memory forever. Whether you kill 3,000 or whether you kill 14 and injure 43, these are still American people who lost their lives at the hands of terrorists in the middle of the war on terror, a war on radical Islamic jihadism. It's time for us to step up to the plate for these people and do this for them.

Mr. MCCAUL. If the gentleman would yield, I was proud to be a cosponsor of your bill. I hope we see it pass in short order.

I agree with you. That was an attack on American soil by the terrorists. According to the Secretary of Homeland Security, so was Fort Hood, and American soldiers were killed. So how can we differentiate between the Pentagon and Fort Hood? Both are symbols of military might and power in the United States. I think it is fitting to the families. I would hope the majority would see it the same way, that this was an act of terror perpetrated on American soldiers and on a symbol of military might and power, and give them the just compensation that they gave the victims of 9/11 and the Pentagon.

I can think of no reason why that legislation should be blocked by the majority.

Mr. CARTER. Let me state that many Members of both sides of the aisle have joined in cosponsoring this bill. I think when we get through some of this other business that is taking forever around here we might get down to something like this. I agree with you. This was supposed to be an oversight Congress, and I think in many ways, there is a valid attempt to try to be an oversight Congress.

Nothing is more important for oversight than an issue like this, and that is, just what happened and how it happened. And you say, Well, okay, people were killed. It has got bigger ramifications than that. That is what is so hard to understand. This was a man wearing the same uniform of the people he shot.

I want to share a story, and I have shared it before on the floor of the House. The day after all this took

place, I was at Fort Hood. I was out at Darnall Hospital where there were wounded out there who had been transported both there and all over our district. Our community, from all the way down into Williamson County, Bell County, and Coryell County, the whole surrounding area just united behind the medical community, behind this terrible act and gave the very best medical care available anywhere for these people.

I was talking to a nurse, and she said when she was deployed to Afghanistan, she worked in a hospital with Australians. And she got an email from an Australian nurse the morning I visited Fort Hood, which was the day after the shooting, and in that email the lady said, you know, Soldiers in the Australian army are starting to question and asking this question of mental health professionals in our army already today: If the Americans can't trust the people in their uniform, can we trust the people in our uniform?

Now, remember, if you're in the military and you're a soldier, we like to say we depend on each other in this place. But when they say they depend on each other, they mean they put their life in the hands of the man behind them and the man on either side of them and the man in front of them, and they in turn have those people's lives in their hands. The military functions by knowing that each can do their job and trusting the other one to do it.

And so there is something that strikes in the psyche of a soldier when a fellow soldier publicly executes 13 people and ultimately results in the death of an unborn child, 14 deaths, wearing the same uniform as the people who were shot, and so it strikes to the soul of a soldier. We are doing our very best and I would say doing a good job of overcoming that. These are awfully, awfully talented young men and women in the army, but it's still there. It's still creating distrust, driving a wedge in our military, and, arguably, it's as effective a strike as you can have if you cause folks to distrust. So this has big scope. In truth of fact, what will we think if somebody we trusted to have our backs started shooting people in this place? We would wonder who we could trust.

Mr. McCAUL. I agree. I think this is, in some ways, worse than 9/11 because, there, the enemy was foreign, radical Islamic terrorists. In this case, these soldiers are saluting their colleagues who lost their lives, who were killed by a major in the U.S. Army who was wearing the very same military uniform that they are. And the idea that he could betray his soldiers like this, and not only betray, but kill them, that's what I think makes it so very, very hard to accept.

Aulaqi, the Yemeni cleric, said that Hasan trusted him. The radical cleric said that Hasan trusted him. Unfortunately, the Army trusted Mr. Hasan and promoted him through the ranks. Because of political correctness, he was never called out for his behavior, which we know was a problem. We know the flags were raised. I'm not making this stuff up. He had business cards that said ''soldier of Allah,'' the jihadist line he used when he killed them in cold blood, talking about the war on terrorism is a war against Islam. It just makes you wonder how could we have promoted someone in the United States Army and the United States military with these types of flags going up? He said his allegiance was to the Koran and not the Constitution.

Judge, you are absolutely right. The morale, which is so important in a time of war that we are in, is critical here. And if we can't act upon cases like this in the United States Army in the United States out of fear that we won't be politically correct and we may hurt someone's feelings, where have we gone in this country? We can't call it out like it is and say it for what it is, that this man did not love his country, that he had more loyalty to radical Islam, and that is precisely why he killed those 13 soldiers that day.

Mr. CARTER. I will make another argument besides that, and then I'm going to let my good friend Mr. KING from Iowa talk a little bit.

I would also argue that the way this thing has been treated, I would say with kid gloves, makes the next homegrown terrorist, of which we have seen, what, two or three in the last 2 weeks up here, Jihad Jane and I think there is another one now, Jihad Jenny or somebody, these women who are American citizens who are now promoting jihadist terrorism, and the underwear bomber on Christmas Day. So these people, I think, by looking at the soft kid gloves activity of a murderer on a military base, I think it encourages them to get involved in this stuff. If they have got a screw loose, which most of these people do, I think it just encourages them.

Mr. McCAUL. I point to the same radical cleric who praised Mr. Hasan's actions and called him a hero is the same radical cleric who is behind the Christmas bomber. This is no coincidence here. It is connecting back to a radical al Qaeda operative out of Yemen. Why in the world General Cone didn't know about this, a major on his base, is really beyond me. And that's what we have got to fix looking forward with the JTTFs and with the Department of Defense.

We have talked to them about the Christmas bomber. But how many Christmas bombers are out there? How many more people is the radical cleric Aulaqi influencing? Jihad Jane and others, they all go to these Web sites. And not only do we have to deal with the al Qaeda operatives overseas, but this kind of act inspires them, and the fact that we could have let this happen inspires them. And then how many more radical homegrown terrorists are potentially out there in the United States?

We know that the radical cleric has now said just one man, one incident. They are decentralizing. They are saying one man can carry out, take a gun, take an explosive device. That is in a very radical departure from how al Qaeda had worked in the past, and it is coming from the same individual who is tied to Mr. Hasan and the Christmas bomber, and we better wake up to that.

Mr. CARTER. Let me say as a comment that I have huge respect for General Cone and the outstanding job he did with the situation that happened at Fort Hood. And this is the same man who was preparing to deploy three corps to Afghanistan to start the very serious business of pulling American soldiers out of that combat zone. With that on his plate, this fellow in his lap, I think he did an outstanding job of handling it. And by the way, he still, on time, deployed the third corps to Iraq, and he is right now, today, over there doing our bidding and our job of pulling down, making elections work, and pulling down the forces for the taking out of 50,000-plus soldiers in August. He is a great American and an outstanding soldier.

I want to yield to Mr. KING from Iowa however much time he wants to take to talk about these issues of radical Islamic jihadism and not letting political correctness silence our mouths.

Mr. KING of Iowa. I thank the Judge from Texas for yielding and my friend from Texas for being here to lead on this Special Order tonight, and you especially felt it more than anyone else outside of Texas, the pain of the 14 that were murdered by Major Hasan. And the question arises that we need to face, and it is something we talked around a little bit here, and I don't believe we talked about it directly, and that is the issue of profiling. What is it about people that makes us think we should be a little more suspicious of them than somebody else?

I grew up in a law enforcement family, and a couple of things never occurred to the law enforcement extended family that I grew up in. One of them was to ignore the law or the rule of law, and another one would be to ignore the very evidence in front of your eyes. The good thing about police work and investigation is you see things that are out of order, you notice those, turn your focus on that and wonder why it is out of order. And the instincts and the training, which is profiling to one fashion or another, causes the law enforcement resources to be used in a far more effective fashion, and time after time, crimes are solved because there have been police officers that understood the anomalies in the people.

I'm opposed to using law enforcement to go out and target people because of race, religion, or ethnicity. But when it's before your very eyes, and when you see people going in and out of the airports and who has been blowing up our planes and who has been hijacking us, that is young Muslim men. And so

I would suggest that, instead of spread-eagle searching the 80-year-old Norwegian grandmother with blues eyes and white hair, we ought to turn our focus in a higher percentage on the people that fit the profile of the kind that are likely to bomb us.

Now, it's unfortunate that there are a lot of innocent people that would fit that profile, but it's far more unfortunate if we waste our resources searching people that have no history and then their profile doesn't fit anyone that would be bombing an airline. And that is just simple common sense, and it is good police work. But we are so politically correct in this country, we wallow in self-guilt in America. We go back and look at ourselves and figure out, somebody once pointed the finger and said, Well, you're bigoted and racist, so, therefore, we have to bend over backwards to demonstrate we will do all kinds of foolish expenditures of our taxpayer dollars to avoid anybody being able to point statistically to the focus of resources where the resources should be focused.

And I don't suggest, Madam Speaker, that we ought to simply profile and put all of our efforts into one particular profile; I just suggest that we score them according to a weight system and turn our focus on those in proportion to the degree of the score. That makes sense. And I would assume that that would have been the thing we would have done after September 11, but in reality, no. We are a nation with self-guilt.

□ 2100

Another component of this would be Major Hasan. The question that came out was, whatever happened that he got radicalized? We use the term ''got radicalized'' as if it somehow is not their fault; we allowed an environment or nurtured an environment. Every individual that attacks people and kills them is responsible for their own actions. And if the radicalization does take place, it is by their will and by the will of people like Awlaki.

We are also so politically correct that we won't go in and listen to the radicalization taking place. We won't tape the sermons in the mosque. We simply wait for something bad to happen and, therefore, nobody can point their finger to us and accuse us of being politically incorrect. Of course, they point their finger at me every day as politically incorrect, Madam Speaker.

I think this Nation needs to utilize their resources, utilize them wisely, and do so in a fashion that is clearly for the purposes of enforcing the law and protecting the safety of the American people.

We should look into the psychology of the Army—and I have an Army tie on today, you might notice—that they need to also understand that they have the ability to speak up and keep an eye out for the kind of people that would come and kill us, the people that believe their path to salvation is in killing Jews, Christians, and capitalists, in that order. And if they can get a twofer, they are happy. They believe that is the eternal bliss for them if they can get that done. I say there is a place for them in the next life, and it is not where they think.

I yield back to the judge from Texas, and thank him for indulging me.

Mr. CARTER. I thank the gentleman for his comments.

I think the most important thing we ought to do as Americans is be willing to stand up for what is right. And if it means that someone might get their feelings hurt, I don't have a problem with that.

I am not for dragnets. I am not for going out and shaking up communities like used to happen in the olden days, older than me anyway. In fact, there used to be a television show called ''Dragnet'' and a radio show called ''Dragnet.'' Those are wrong, and we aren't talking about that. But we are talking about using good intelligence. And if we are going to kill our intelligence and not look at things because we are afraid we are going to hurt somebody's feelings, then we are going to get hit again. And if we get hit again, we are going to be standing around still asking the same questions we are asking here tonight: Why? What happened? Why did this happen? Why didn't we know? As my friend Mr. MCCAUL had been saying, we had the information to ask the question. Somebody should have asked it. That is the key.

Mr. MCCAUL. If the gentleman would yield. We had the information in both the Hasan case and the Christmas bomber. I made all the points about the Hasan case, all the flags that popped up, a failure to act upon those red flags.

Indeed, in the Christmas bomber case you had a State Department cable coming out that warned the father had come in warning that his son was in touch with Islamic extremists in Yemen. Yet, when I asked the Under Secretary of the State Department, Mr. Kennedy, in God's name when he found that out, why didn't he revoke his visa, his response was, You know, a lot of people come into embassies and a lot of people give us tips, and they are not all credible. And I said, Well, this was not some anonymous source coming in, it was his father.

Meanwhile, in the intelligence community there is specific threat information coming in about this individual. The State Department has got the cable, the intelligence community has got the threat information. It is not put together. Both sides could have acted on it. The intelligence community could have asked the State Department, Does this guy have a passport? Does he have a visa? Can we revoke that? And the same with the State Department. Yet, that doesn't happen.

We need to move forward to make sure the Christmas bomber never happens again, and to make sure, with all the evidence coming in with Mr. Hasan, to make sure that with individuals like this the evidence isn't swept under the rug out of political correctness.

Mr. CARTER. Reclaiming my time. Mr. KING made the comment about crazy conservatives, so let's look at some crazy conservatives that made the same statements we are asking.

I wouldn't classify Time magazine as one of the great conservative magazines of the 21st century, but here is an article from Time magazine asking the same question: ''The Fort Hood Report: Why No Mention of Islam?''

Here is another, I would say, not very conservative organization, The San Francisco Chronicle, asking the same question: ''Political Correctness on Fort Hood at Pentagon''

I think that you cross all boundaries here when you start getting down to the logical things we ought to be doing to fight people trying to kill us. I mean, it doesn't take a genius to say, Daddy says he is crazy, and he may do something crazy. And when you get reports that this guy is out there talking to this guy over in Yemen, these things start to fit together. Maybe you ought to check him when he hits the airport or before he takes off from either Brussels or Amsterdam. Fortunately, he had a misfire and it didn't work. But he could have killed all the people on the airplane, hurt a whole lot of people on the ground in Detroit. Detroit has enough problems right now without having somebody blowing up an airplane over their city, and God bless them.

Mr. MCCAUL. If the gentleman will yield. It was preventable. There is a lot of information coming in, and we have a lot of good men and women working counterterrorism. They have got a tough job. There is a lot of information coming in. But we had these two major focal points that just were never acted upon and never put together in the Christmas bomber case. And Mr. Hasan, my God, how many points of error popping up on him? How many red flags are popping up?

And why weren't they acted upon? I think it goes back to your original point: We didn't want to hurt someone's feelings.

And do you know what? We see this in the Federal Government. They would rather just kind of promote and move on somebody rather than have to deal with the problem. Gee, we have someone who is making these radical statements, but I would rather not deal with the problem. Let's just push them along in the system. Let's transfer him from Walter Reed, where he was a major problem—we know that, poor performance evaluations—to one of the largest military installations in the country, and let's promote him to major in spite of the fact all these points of evidence were out on him. I think that is the real tragedy.

I know my good friend from Texas has probably one of the most difficult

jobs out of any Member in this body, and that is because you have more soldiers in your district than any other, and you are the one who has to comfort them, as we all do, but you, many more times than any other Member, have to comfort the loved ones whose son or daughter has been killed in a time of war. I know you personally have comforted the families of the victims here and Fort Hood, and the biggest tragedy is that it could have been prevented.

With that, I yield back.

Mr. CARTER. We are about to run out of time for this evening. Once again, we are talking about the rules we make for ourselves and how we should apply them. I think it is honestly said here that let's don't be so politically correct that we oversee ills that may fall upon our society. That is why we make rules. That is why we have laws and order in our society, so we can protect our citizens, whether they be civilian or in the military.

It has been a great evening, and I thank my friends Mr. MCCAUL and Mr. KING for being here to join me in this conversation. I am going to thank the House for allowing me to continue to talk about issues that relate to rules or to the law.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate notifies the House that the Senate shall convene as a Court of Impeachment at 2:00 p.m., on Wednesday, March 17, 2010, for the purpose of receiving the Managers on the part of the House in the matter of the Impeachment proceedings against G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana.

The message also announced that pursuant to Executive Order 12131, as amended and extended, the Chair reappoints and appoints the following Members to the President's Export Council:

Reappointment:

The Senator from Michigan (Ms. STABENOW).

The Senator from Ohio (Mr. BROWN).

Appointment:

The Senator from Oregon (Mr. WYDEN) vice the Senator from North Dakota (Mr. DORGAN).

MORE GOVERNMENT WON'T WORK

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

Ms. FOXX. Mr. Speaker, today I had the great pleasure of holding a town hall meeting in one of the towns in the Fifth District in North Carolina, Statesville, North Carolina.

I didn't count the number of folks there, and I haven't had a chance to ask my staff exactly how many were there, but I think probably about 175 people were there.

We let these folks put in questions or their names into a box, and we pull their names out randomly and let them speak about the health care bill. This was a health care town hall. And to a person who spoke, and there were probably about a dozen who had a chance to speak for about 2 minutes, and I answered their questions, they all are very upset about what is going on here in Congress. They are upset about many, many things, but they are particularly upset about this government takeover of our health care system, and they just don't understand why the folks in the majority continue to push this issue knowing that the majority of the people in this country are very much opposed to it.

They very much are concerned about what they have heard and read about the way this is going to be pushed through this week. They hate it when bills are put together that aren't germane to each other or that aren't related. They heard about the education bill being put on the health care bill, and they are very concerned about that. They just don't like that.

They said over and over again they know that the government does not do things more efficiently and effectively than the private sector. One businessman talked about how he has been struggling for the last year. He has used up all his savings, all his equity in the last year to keep his business going because the economy is so bad, and he wants to know, where is that stimulus that he thought that we were getting?

So it was a great town hall, because they talked about what was on their mind and got a chance to ask me questions.

When I told them about the plan to do this reconciliation bill, where the folks on the majority side are going to go from passing bills without reading them to passing bills without voting for them, they understood what a threat that is to our entire way of life. They understand that that is a threat to the rule of law, and they are very much concerned about that.

I told them of the President meeting with us at our retreat and saying, You know, I was wrong when I said over and over again that you can keep your health insurance if you like it. But, he said, I made a mistake by saying that, because some cats and dogs got into that Senate bill that we weren't planning to get into that bill. But we are going to take care of that.

But guess what. That is not going to get taken care of. And the President, I understand, made that comment again this week, saying out on the stump, If you like your plan you can keep it—when he told the Republicans at our retreat that is absolutely not true.

We have a major problem, Mr. Speaker, in this country. We have people trying to establish a takeover of our lives from birth to death. They want the government to run our lives and to make all of our decisions for us.

I have an article, Mr. Speaker, from The Washington Times, Wednesday, January 20, 2010, that says ''More Government Won't Work.''

[From the Washington Times, Jan. 20, 2010]

EDITORIAL: MORE GOVERNMENT WON'T WORK

Government is bigger than ever and controls more aspects of American life than at any time in U.S. history. Last year, the federal government ate $3.52 trillion out of a $13.2 trillion economy. With the current trajectory of big government under the Democrats, the federal bureaucracy will devour as much as 50 percent of this nation's economic activity by midcentury. To illustrate how wasteful that is, take a look at the empty space above this editorial. That's what government creates—nothing.

A basic problem with a future dominated by ever-expanding government is that bureaucracies are hobbled by waste, fraud and abuse. Government simply does not work well. Freedom works, but the more government that exists, the less freedom we have. Under President Obama and the Democratic Congress, the United States is heading in the wrong direction. The big spenders are on a joy ride, and we're stuck in the back seat on the road to dramatically less freedom.

The main battleground of the war between freedom and government is the marketplace. Markets work for a simple reason: They give people choice. Consumers know what they want, and businesses try to figure out how to produce and deliver the goods and services the best way, considering price, quality and service. Only the best firms survive.

Today is the first anniversary of the start of Mr. Obama's term in the Oval Office. For the past year, Americans have been told that government is smarter than private industry and that more government intervention is needed to fix problems in the market. Central to this agenda is the canard that private for-profit companies have to charge higher prices than nonprofits to recoup enough to earn profits, thus making for-profit firms less competitive. This explanation is wrongheaded because it ignores that profits give an incentive to lower costs and improve quality. The greater the incentive to reduce costs, the less waste there is. That is why, despite all the tax advantages given to nonprofits, the economy is dominated by for-profit firms.

Politicians and bureaucrats in Washington don't know what individual consumers want and certainly shouldn't be the ones to decide what individuals need. If the government decides everything, elections will determine what businesses can produce and what options consumers will have. In a healthy market system, consumers wouldn't have to persuade their neighbors to use the ballot box to determine what type of toys, computers, books, houses or cars they can buy. Those products will be produced as long as the value consumers get is greater than the costs of producing them. The government should stay out of the way of these inherently private everyday decisions.

A common justification for government intervention is based on the notion that individuals and firms don't bear the full costs and benefits of their actions and that taxes and regulations are needed to correct the imbalance. The debate over global warming is an example of this idea. Climate-change activists argue that markets don't take into account damage purportedly caused by carbon dioxide. Yet even if they were right that carbon emissions cause global warming (which is unlikely), there are many stumbling blocks that prevent effective government intervention. First, there is the pure

numbers-crunching aspect: Government must figure out how much to tax carbon emissions to alter behavior, which is a difficult and error-plagued challenge. Other than taking wealth out of private hands, all the negative impact of higher taxation is rarely clear, and it's a fair question whether the outcome is likely to cause more damage than the original problem.

Second, politics is a dirty business. Special interests twist programs into dole-outs for favored groups. Political machinations are behind every dollar of federal spending, and the interest of the taxpayer usually doesn't have a seat at the table when the spoils are divvied up. Consider all the special favors to unions and particular constituencies in everything from last year's $787 billion stimulus package to the Democrats' government health care bills. So much of federal spending amounts to nothing more than a big slush fund.

Regulations are the second edge on the knife government uses to cut the heart out of private initiative. Bureaucratic red tape ties up markets with little consideration about its impact. Take the health care debate. Amidst government's attempt to take over health care, politicians are telling American families that the suits in Washington know how to run health care at a lower cost and with better quality than what is currently being produced. If that were true, government wouldn't need to pass a regulation. If Democratic ideas had any merit, companies would pay Mr. Obama, House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid for advice to help provide customers a better product at a lower price. Democrats wouldn't have to scheme behind closed doors to figure out how to ram through legislation to force Americans to accept a system they don't want.

This gets to the heart of the matter. Markets are fundamentally different from government programs in that market transactions are voluntary. Government's main tool is coercion. Consumers don't buy a product unless they think it makes them better off. Firms don't sell a product unless they think they can make profits. Telling people what to do doesn't make them want to do it or like doing it. There's no question which way works best. Countries with the most market-based economies have enjoyed the largest growth in wealth. The innovations generated in these places benefit the entire world. Messing with the market-based model slows the pace of progress for our children and grandchildren.

The massive ''tea party'' protests all across the land reveal how outraged Americans are by the direction of government. President Obama and Democrats in Congress are making government bigger than ever because they think bureaucracies make smarter decisions than individuals and the government is better than private business. But taxpayers aren't hitting the streets for so-called smarter or better government—they want less government. A lot less. A new Congress will be seated a year from now. Hopefully that will bring real change to the nation's capital.

The Senate bill that the House is about to pass this week under a very, very, shaky rule is going to let people vote on the rule and then say the bill is passed. It has major problems with it. It is not addressing the cost of insurance and health care. It has a tax on hiring low-income workers. It funds abortions. It has the Cornhusker kickback, the Louisiana purchase, the Gatorade. It has a new Federal mandate to buy insurance. There is a penalty enforced by the IRS that is going to require an additional 40,000 IRS agents if we don't buy insurance. And there will be a job-killing 8 percent tax on employers who don't offer government-approved health insurance. This is wrong, Mr. Speaker.

The people in my district want jobs. They want to be able to work. And they want to see our country continue to operate the way it always has, under the rule of law, not with the majority abusing the rules. They want us to do the right kind of thing here.

What do Republicans support? We want legislation that will reduce the cost of health care. We want to force insurance companies to compete with each other across State lines and let people buy insurance across State lines if they choose. We want to cover preexisting conditions. We want medical liability reform, which would save tens of billions of dollars each year. And we want to expand health savings accounts, which put Americans in charge of their health care and their health dollars. We can do that, Mr. Speaker.

We passed a bill the other day in a bipartisan fashion, a 1½ page bill taking away the antitrust exemption for insurance companies. Folks on the other side said we couldn't do it, but we can.

Mr. Speaker, I yield back.

□ 2115

JOB CREATION IN THE AFRICAN AMERICAN COMMUNITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert materials related to the topic of this Special Order.

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

There was no objection.

Ms. FUDGE. Thank you. The Congressional Black Caucus is proud to anchor this hour on job creation in the African American community. Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, representing the 11th Congressional District of Ohio, and I anchor this hour.

Mr. Speaker, I would now like to yield to our chairwoman, the Honorable BARBARA LEE.

Ms. LEE of California. First, let me take this moment to thank Congresswoman FUDGE again for the Special Order tonight, for your leadership, and for bringing to the Congress, really, the understanding of what unemployment is, given the unemployment rates in your district, given what has taken place in Ohio in terms of the recession. Your leadership and your commitment to turn the economy around is remarkable. We can learn a lot by what you have done in Ohio. So thank you again.

As Chair of the Congressional Black Caucus, I rise this evening to continuing to sound the alarm about the need to create jobs in America, particularly for the chronically unemployed who are disproportionately suffering the brunt of this economic crisis and, who, as a result, are in desperate need of targeted, concrete, and meaningful relief.

Last week, members of the Congressional Black Caucus met with President Obama at the White House to discuss our job creation agenda. It was a candid, constructive, and substantive conversation which the CBC had with the President. We reviewed our priorities to create jobs, especially for the chronically unemployed.

We understand very well that President Obama inherited an economy on the brink of collapse and all that he and his administration have done in working with Congress to hold it together. It has certainly been remarkable, and we commend the administration for their efforts. The recovery, however, from this economic crisis has been uneven, at best, and there is a long way to go to put people back to work.

The impact of unemployment foreclosures and the housing crisis are particularly extreme among African Americans and Latinos. People are desperate, as Congresswoman FUDGE knows in Ohio. As we try to create jobs, States are laying off people in order to balance their budgets. California has cut $20 billion out of our budget. Virginia will pass a State budget with $4 billion in cuts. If you extrapolate this nationally, we are talking about $200 billion State budget cuts nationwide, after about $350 billion last year. So we need the $200 billion this year just to break even.

Our Congressional Black Caucus member, Congressman BOBBY SCOTT, who's on the Budget Committee, continues to remind us of these very glaring numbers and how we need a major jobs initiative just to break even. That's why the CBC has been and remains laser focused on helping people who are chronically unemployed and on direct job creation.

On Wednesday morning, the CBC will host a hearing focused on job creation. The event is called: ''Out of Work but Not Out of Hope: Addressing the Crisis of the Chronically Unemployed.'' This will be held on March 17 from 9 to 11 in room 2237 of the Rayburn House Office Building on Capitol Hill. The hearing will focus on data that suggests the chronically unemployed include African Americans and other communities of color with unemployment rates significantly higher than the national average. Youth and adult workers also are in need of enhanced education and

training, and those who have lost their jobs as a result of the weakened economy and who have been unemployed for at least 6 months. Wednesday's hearing is part of a 5-week campaign launched by the Congressional Black Caucus at the beginning of this month to seek policy solutions for the chronically unemployed. Our aim is to engage our leadership and our coalition partners in a strategy to put America back to work.

We are all aware of the staggering high unemployment rates facing our communities. In February, the rate of unemployment for African Americans was 15.8 percent, compared with 12.4 percent for Latinos and 8.8 percent for whites. This is according to the Bureau of Labor and Statistics' March 5, 2010 report.

But the job problem goes deeper for many of our constituents and communities because African Americans are not only unemployed in higher numbers but also stay unemployed significantly longer. Of the people who have been unemployed for over 6 months, 20.3 percent are African American. For those unemployed for a year or more, 22.1 percent are African American. The median duration of unemployment was 23.8 weeks for African Americans, and 18.4 weeks for our national average.

These figures underscore the urgent need to target job creation efforts for those communities hardest hit by the recession. This has nothing to do with directing resources based on race. This has to do with directing resources based on need, based on unemployment statistics, and based on where the unemployed live. These stories illustrate the reality that many of our communities have been disproportionately hit by this recession. That's why we must simply prioritize and deliver, and that's what we talked with the President about. We said specifically we must focus on chronic unemployment. We must have direct and targeted job creation, which can make a real and significant impact quickly for everyone.

For instance, given the unemployment rate of approximately 10 percent, that's 15 million people, one percentage point of the total number of unemployed is about 1.5 million. At $50,000 per job, $75 billion would hire 1.5 million workers and reduce the unemployment rate by one percentage point. For $300 billion we should be able to hire 6 million workers and reduce the unemployment rate by four percentage points below what would have been without any investment at all.

But it's not just enough to create jobs. We must ensure that we include all of our communities in that effort by targeting high areas of poverty, unemployment, and the chronically unemployed. Summer jobs for young people must be part of our direct job creation efforts. We all know that many of our young people have to help pay the rent and help buy food because their parents are unemployed.

We must also invest in infrastructure spending; but when we do so, we must ensure a path to apprenticeship and pre-apprenticeship opportunities in any transportation and infrastructure investments, otherwise we're going to leave communities and millions of people behind.

Finally, we must ensure that contracting and procurement opportunities for minority and disadvantaged businesses are included and that existing provisions in transportation and in other areas are enforced. According to the Kirwan Institute for the Study of Race and Ethnicity, which recently released its report on the impact of the Recovery Act, black businesses only received 1.1 percent and Latino businesses only 1.6 percent of all federally contracted ARRA funds.

So in closing, Mr. Speaker, members of the Congressional Black Caucus are committed to continue to work with congressional leaders and President Obama to fix our economy and create jobs to address the true depth, mind you the true depth, of this recession. There's no question that by working together we can make a real difference in the lives of all Americans. So as we work to turn the economy around and create jobs, the Congressional Black Caucus will continue to fight to make sure that no one is left behind. That is our moral responsibility as the conscience of the Congress.

Thank you again, Congresswoman FUDGE. Let me thank Congressman EMANUEL CLEAVER who has led our Jobs and Economic Recovery Task Force since last January and has done a marvelous job in doing that and getting us to this point.

Ms. FUDGE. Thank you. I want to thank you as well, Madam Chair, just for keeping our caucus focused on jobs and poverty and, of course, pushing for the fundamental fairness we all deserve and what is expected of all of us in this House. I thank you for your work and for your leadership.

Mr. Speaker, I now yield to my friend, Mr. CLEAVER, the Representative from Missouri.

Mr. CLEAVER.

Mr. CLEAVER. Thank you, Ms. FUDGE. Thank you for getting this hour tonight for us to talk about one of the most significant issues facing the American public. And I would also like to thank Oakland's BARBARA LEE for her leadership. She has been myopic in making sure that not only the Black Caucus, but none of the caucuses nor the Democratic Caucus stray too far from the main theme that we have been pushing, which is that we need jobs, and we need them now.

Mr. Speaker, there's little question that the economists believe that the U.S. economy is in fact in a recovery mode. There are signs all around that we are coming out of the recession, but the recession continues to take its toll on the American public. We know that jobs always lag in the recovery. In fact, if you look at some of the Wall Street banks, you will find that many of them actually are showing huge profits, some of the top 10 banks—actually, the top 25 banks, some of whom received money from the taxpayers to help bail them out.

And so the question today, when we still have an anemic economy, is: Who's going to bail out the American public? Well, what we do know is that the jobless rate is now still hovering at about 10 percent. And if you break it down, as did our Chair, BARBARA LEE, you will find out that many African Americans are the ones who are suffering. Why is that? Well, it's kind of simple. The weak labor markets in our country are in areas where we generally have high black populations. South Carolina is one. Michigan is the other. African Americans migrated to Michigan to work in the automobile industry. African Americans have been in South Carolina almost since 1619, when we came to this land. And so it is somewhat misleading to believe that we can address this issue of unemployment without some special emphasis on what's happening to African Americans who are also unemployed.

When you just look at the statistics, the economists say that we need to create 100,000 jobs a month just to absorb the new people coming into the job market. We are not creating jobs. In fact, we have not created the kinds of jobs that we need for the last three decades. We have not been able to generate a hundred thousand jobs a month.

I think the President was wise when he submitted to Congress the stimulus package. I think Congress was wise, or at least we were wise, to vote for it. Because inside this stimulus package is at least the opportunity for jobs for all people, but it provides minorities with a unique opportunity to connect with what I believe and what many others believe to be the next job creator, and that is in the field of energy.

We have significant dollars placed in the Department of Energy, where men and women who are citizens of our country can in fact seek new opportunities in that field. For example, I am convinced that in the days to come, men and women will call people to come out to do weatherization in their homes like they call a plumber today. People will call a weatherization specialist, who comes out, he surveys the place, he finds where there's a leak, where there's an energy leak, and they will seal it up. That's an entirely new arena—a whole new job area that we have not had before.

But it's also important to keep in mind that technology is eliminating jobs even as we try and produce them. I used to tell my staff members how frustrated I was when I go to the airport, as we all do twice a week, and look at the kiosk which all of the airlines now have, and the clerks behind the counter will direct you to the kiosk. I told my staff, I said, Do you realize what's happening? The people

who are directing us to use the kiosk to get our ticket are also eliminating their jobs.

It's just a matter of time, Mr. Speaker, before we're going to go to airports that are not going to be ''peopled'' by the ticket clerks, as we see today. And everybody will simply go use a credit card or some special card and they will be able to get their tickets. For most of the Members of Congress, most of us go to the airport with our tickets in hand anyway, because you can now get your ticket printed on the computer. So I think we're eliminating jobs and there's a need for us to do something, and do something significant.

Now there are those who are saying, Look, the job market will take care of itself. The markets will always engage in self-correction. That is what has gotten us into the economic collapse that we have experienced over the last year and a half, is waiting for the markets to do the right thing and waiting for some of the institutions that were able to function without strong regulations to do the right thing. They did not. And they hurt us. And we were hurt perhaps more than any other group.

□ 2130

So what I think we are going to have to do is do a jobs bill, a serious jobs bill. And by the way, I was delighted that in our meeting with the President last week that he said to us that he strongly supports a summer youth jobs program. I thought that was the most significant thing that came out of the meeting. Why? Because in about 8 weeks, schools will turn out all over the United States. Everywhere in this country kids will be going home, and these kids this summer will be going home unemployed to unemployed parents.

Now, it does not take a physicist or a nuclear scientist to look at that situation and see that it is going to be chaotic at the very least, and so we need a summer youth jobs bill, and we need it now. We need it quickly so that the bureaucrats can have things in place by the time school is out, so that there won't be a long period of time during which kids are just aimlessly walking up and down the streets. Because we all have been kids, and we all know that we were not at our highest level of thoughtfulness and can do dumb things at that age. So I'm thinking that it might be helpful if we move that summer youth jobs program to the forefront.

And I am not, Mr. Speaker, convinced that we don't need something else. I don't think we need another $876 billion stimulus, but I do believe that we've got to do something that would create jobs directly. And Paul Krugman, the economist who also is a columnist in The New York Times, has suggested—and I agree—that perhaps we need to think about the fact that the United States Government can create jobs that people can actually use. I'm not suggesting that we need to approve money at the level that we did for the WPA during the Great Depression, from 1929 through the thirties, but I am saying that there can be some kind of direct jobs program put in place that will enable folks to get jobs quickly. If we don't, we're going to find that this job market is going to continue to hemorrhage.

When you think about the fact, as Congresswoman LEE mentioned earlier, that the States are laying off employees, cities are laying off employees, by the time we find employment for those government workers on the local level who lost their jobs to get some kind of job, we still have not done much, because we haven't dealt with the people who have been on the unemployment rolls.

In my committee last week, Ms. FUDGE, we had a person who testified before the Select Committee on Energy Independence and Global Warming who said that he was opposed to giving employment insurance. He also went on further to say that if you give unemployment insurance, it will make people lazy. Now, somebody like me who spent time growing up in public housing and heard people saying that welfare people love to have babies so they could get another $100 a month is almost laughable, but it is also believed by many. So we need to keep in mind that there will always be push-back against what we are trying to do.

But the American public needs to go to work, right now start going to work. And most economists believe that unemployment will continue at at least 8 percent or higher into 2012. We can't afford to have that size of our population without employment. It is dehumanizing when you can't take care of yourself, and we're going to find more and more people doing what I have seen in Kansas City at the church my son pastors, where middle class people, people who were in the U.S. middle class, are now unemployed. We have had Ph.D.'s coming to my office, trying to get an internship just so they can get in and hopefully get a job. So when people say, Well, there are jobs out there for everybody; they just need to go and get them, that's absolutely ludicrous. It is ridiculous, and it plays the American public as fools, because there are real human beings with real families who are losing their homes.

What people don't realize is, when you lose your job, you can't make your mortgage payment. If you can't make your mortgage payment, you lose your home. If you lose your home, your credit is ruined. You can't buy a car. You can't hardly buy anything. Even today, with an 800 credit score, you are barely going to be able to buy a new car. So I think we are having a recovery, but the recovery is not strong enough, and it's not moving quickly enough.

So, Congresswoman FUDGE, I appreciate the fact that this issue—through you getting this before the American public tonight—is going to resonate with a lot of people who are unemployed, but it will also resonate, I hope, with men and women of goodwill who believe that the American public must always take care of the American public.

Ms. FUDGE. I want to thank my friend, Mr. Speaker, for just saying to us in a clear and concise way that it is time to be honest about where we find ourselves as a Nation, and that it is important that people be given an opportunity, just an opportunity—not a handout, an opportunity—to find work because, if we don't, we will have more problems than we can ever imagine. Not only does it take a toll on the wallet and on your home, but on your physical and on your mental health. So I certainly do hope that we will take heed to the things that were said by our Chair tonight as well as by Representative CLEAVER and start to move in a direction that is going to positively impact the people of this country. I thank you both for being with me tonight.

Mr. Speaker, the CBC believes that stable employment at a fair wage is a fundamental right for all Americans. In times of economic weakness, such as this recession, government should empower our Nation's workforce by providing training and placement opportunities for dislocated workers. During the month of March, the CBC will engage in a 5-week campaign to seek policy solutions for the chronically unemployed, engaging President Obama, Congress, and the coalition partners in a strategy to put Americans back to work.

The chronically unemployed are not counted by labor statistics, Mr. Speaker. They are not counted in the Workforce Investment Act, which is designed to get people back to work. Congress inadvertently sent them a message that they don't count. But they do count, and they want to work.

The CBC's agenda, Opportunities for All—Pathways Out of Poverty focuses on six areas: education for low-income communities, increasing the reach of economic security, eliminating health disparities, providing affordable housing options, reforming our judicial system to break the cradle-to-prison pipeline, and addressing global poverty. During tonight's Special Order, Chairwoman LEE discussed with you some of the progress we've made in our efforts in this endeavor. If you wish to receive additional information or ask for updates, you can email the Congressional Black Caucus at congressional black caucus@mail.house.gov.

I want to just talk a bit about some of the things that you've heard tonight but maybe in a different way. We know that national unemployment is somewhere around 9.7 percent. There are currently 15 million people seeking employment in this Nation, up from 7.5 million in December of 2007. There are 2.5 million people out of work, and 9 million are employed only part time

rather than the full-time employment they prefer and need. With the unemployment rate at 9.7 percent, U.S. labor market conditions are certainly grim. We all, I think, can agree with that.

The unemployed who have been out of work and searching for a new job for at least 6 months remains at a record high, at or above 27 percent, and hitting a record 41 percent in January of this year. If we examine unemployment rates by demographic information, you will see proof of the inequality of which we speak tonight. While all major groups have experienced substantial layoffs during this downturn, communities of color, particularly African Americans and Hispanic Americans, are experiencing the worst of these job losses.

According to the Department of Labor, although the national unemployment rate was 9.7 in February, the rate for African Americans was 15.8 and the rate for Hispanics was 12.4. Not only is the unemployment rate for African Americans nearly twice that of Caucasians, the gap in some important demographics has widened rapidly over the past 14 months. Over those months, the unemployment rate for Caucasian college graduates under 24 years of age grew by about 20 percent. The rate for African Americans in the same demographics grew by almost twice that much.

Data from the Bureau of Labor Statistics indicates that the gap in unemployment rates for communities of color is widening. As a result, minority children and families are entering poverty at an increasingly alarming rate. More than 24 percent of African Americans live below the poverty level and are 55 percent more likely to be unemployed than other Americans.

As then-Candidate Obama said in a speech during the Democratic primary, ''Race is an issue that I believe this Nation cannot afford to ignore right now.'' In a speech to the Hispanic Caucus Institute earlier this year, President Obama said that when unemployment reaches over 10 percent among Hispanics, that was not just a problem for them, it was a problem for the Nation. We believe it is the same for African Americans. The Congressional Black Caucus, in its continued role as the conscience of the Congress, has a moral obligation to address inequality and injustice as never before in our history.

And I have been joined by my colleague and my dear friend from Minnesota (Mr. ELLISON). How are you, sir?

Mr. ELLISON. Doing all right. If the gentlelady will yield, let me just point out that the gentlelady coming down here Monday after Monday, speaking to the Nation about the agenda of the Congressional Black Caucus, is so meritorious. I salute you. Thank you.

But I just want to say that, look, jobs are an essential component of a good quality of life; and lack of a job not only means you don't have any money, it means that your life is not ordered well. It means that you are living a life where you want respect, you want to be productive, you want to make something, create something and put some value into the world, but yet, because you don't have that employment opportunity, you're denied that.

When we talk about a direct creation of jobs, yes, we're talking about stimulating demand; we're talking about putting money and food on the table, but we're talking about giving people a sense of value, of worth, a sense of purpose. And you know what? That's one of the best things you can do for anyone.

This is absolutely true, that in the black community, unemployment levels are elevated three times the national rate. And as the gentlelady from Ohio pointed out, President Obama's right when he says that making sure that the black, brown, and people of color throughout America are working is good for the whole country, because if people of color have money, they spend it. Where do they spend it? In the economy. And if somebody spends money, then that means that somebody's making money. And if somebody's making money, that company can use that money to then hire somebody else. So this circular interconnected nature of the economy tells us that opportunity for one means opportunity for all.

I just want to yield back to the gentlelady because I just want to thank you again. I'm going to stick with you, but I want you to know that I want to commend you for your service and your fidelity and your persistence and your commitment.

Ms. FUDGE. I thank you so much.

I just want to say that in addition to some of the things that you said is that I see our job as making sure that we protect all Americans. That includes us. I see our job as a Congress, as a governmental body, to protect the people who sent us here. I believe the job of government is to serve its people; and until we do that, we've not done an effective job. So that is why it is so important that we continue on this path to make sure that all Americans who want a job, who need a job, have the opportunity to find a job.

I mean, certainly we're not going to ever create the kinds of jobs that many of us had as we were growing up. I mean, our parents had jobs they kept for 30 years. They've got good retirements. They still can afford to pay their bills. Those days may be gone for many people in this country, but I think it is our responsibility to make sure that people can provide for their families, that people can live in a decent home. I think the bare necessities are something that we should guarantee that all Americans can receive.

□ 2145

Mr. ELLISON. Well, if the gentlelady would yield back, I would say that, you know, the days of high wage, the high-wage sector can come back if we have a national commitment to manufacturing, and we don't take the position that manufacturing is something that happens overseas or something that your father or grandfather did.

Manufacturing is what young people today can do. We can make the windmills. We can make the solar generators. We can do retrofitting on buildings and manufacture the tools to make them more efficient. We've got to just be a little bit more creative. We can make cars in Ohio and in Michigan and Minnesota and all over this country in a way that is fuel efficient so consumers want them. We can do these things.

As a matter of fact, the American automakers are late to the game, but they've started to make fuel efficient cars. We need to make sure they continue to do that.

I yield back to the gentlelady.

Ms. FUDGE. The one thing that you said that is just so very true—if at some point we don't start to make things in this Nation again, we are never going to dig ourselves out of this hole. I mean, you talk about the middle class. I'm from Ohio that has been hit especially hard, one of the biggest manufacturing States in the United States. We made our living making cars, clothes, widgets, whatever they were; we made a living manufacturing.

But what has happened over the last few years? I mean, we've lost more than 60 percent of our manufacturing. And a lot of it did go overseas—there's absolutely no doubt about that. And then the other thing is it became more high tech, and so people were not then retrained to maintain those positions. A lot of it became automated, and so they downsized. But we have taken significant losses. In our State alone we lost more than 200,000 manufacturing jobs over the last 2 years. So we have to find a way to get those people back into the work force.

I yield.

Mr. ELLISON. Well, the gentlelady is right. I mean the fact is the high-wage sector has been the manufacturing sector historically. And there's really no reason that America cannot make great things. Like I said, the solar panels, the windmills, the things that—the fuel efficient vehicles. There's all kinds of things in the tech area. We need training, and we need the government to invest in an industrial policy, a manufacturing policy that says, hey, you know what? We're going to make sure America makes things. Let's get the label ''Made in America'' stamped on some stuff again, just like it used to be. It can be.

And let me just tell you. We need to address manufacturing policy. We need to address trade policy. But this time around, when we rededicate ourselves to manufacturing, let's not say that it's only for some; let's say it's for all. Let's not say it's green for some; it's green for all. Let's not say that the manufacturing renewal is for one group, one segment of the community;

let's say it's for all segments of the community. And let's invest in making things again in Ohio, in Minnesota, in Michigan, in Florida, and Texas, and all over this country.

And let's also say that we can work in our educational system where we can make manufacturing and creativity a value system all over again. So see, this thing is connected to how we educate our youngsters. We've got to say, you know, STEM—science, technology, you know, math, and we've got to get into the schools, and we've got to make sure that that curriculum is available for all the kids.

Ms. FUDGE. Will the gentleman yield?

Mr. ELLISON. Absolutely.

Ms. FUDGE. I think you just really hit the nail on the head. We have to, at some point, prepare our young people for a job once they leave high school. All children are not going to college. We have to prepare young people to be able to do something when they leave high school because really all college does is prepare you to work anyway. So we need to prepare all young people to work as soon as they leave high school. And the only way to do that is to start to train them in the new green technologies, in the weatherization programs that we've put out there, to put them in positions where they can sit at a computer and do manufacturing jobs, where they can assist people who need help, maybe if it's just training them to do other things.

We can put in windows. We can build homes. We can do so many things. But young people have never been geared in a direction to think about work after high school. We just keep talking about college.

And I think college is important. I am a very, very strong proponent of education, and I am passionate about education. But the reality of our lives is that less—that fewer young people, especially young people of color, are going to college. And if this trend continues with their parents unemployed, with them not being able to find jobs themselves, then that number is going to continue to decrease. So we do have to address that in a very, very, serious way and in a very timely manner.

Mr. ELLISON. If the gentlelady would yield back, I'd also say, you know, America's crumbling. You know, in Minnesota, August 1, 2007, we had a bridge collapse. I–35 collapsed. It went over the Mississippi River, and it fell into that river. We lost 13 Minnesotans. They lost their lives. And 65 people—no, 100 people—had back injuries as they fell 65 feet.

You know what? I bet you in Ohio and Minnesota and Michigan we've got more potholes than we can shake a stick at. We need—our buildings are crumbling, our infrastructure is crumbling. We need to put broadband all over this country. We need to rebuild in America. It's not like there's not enough work to do. It's not like, oh well, everything's done and nothing needs to be maintained or made. We need to rebuild America. There's enough work to be done; we've just got to get about doing it.

And so I just want to point out, you know. Don't be thinking that there's not work in America, you know. We've got work to be done here.

And you know what? I just want to draw another point out, Mr. Speaker, and the gentlelady from Ohio. You know, the fact is I was walking along the Cedar Lake in Minneapolis, and if you're not from the Twin Cities you may not know about Cedar Lake. It's the land of 10,000 lakes. We've got lakes everywhere. You can hardly walk anywhere without stepping in one of them.

And I was walking along a trail at Cedar Lake, and I sat down at a picnic table, and it was a sturdy table. And I sat there, and I ate some chicken or something. But when I got up I saw a little plate on that table and it said, WPA 1934. That table was made by another generation when Americans were out of work, Americans of all colors.

This time we've got Americans out of work again. And at that time, that generation responded to the needs of employment and to the needs of the country to be built up, and we can't do any less in this day and in this time and in this age. We need a WPA-style, CCC camp. We need direct government job creation to help work ourselves up out of this recession.

And let me tell you, when the economy finally turns around, we're going to have some picnic tables that people in 2050 are going to be sitting on. We're going to have some trails that people in 2050 are walking on. We're going to, you know, have some bike paths that people are on. We're going to have some stronger bridges. We're going to have some broadband cable laid so people can talk all over this country and be on the computer.

So I yield back to the gentlelady. This is a vision we need to pursue

Ms. FUDGE. I thank the gentleman for yielding. Let me just take that WPA one step further. I happen to have given a speech in Memphis, Tennessee, on Saturday, and had found out that over the 8 years WPA was in existence in the State of Tennessee, more than 240,000 people were hired. Those people built the stadium, the zoo, the juvenile center. I mean, there is so much that still exists.

And I also want to take the training part one step further. We're going to have to do more targeted training. I come from an area that, in my opinion, has the best health care in the world. But there is a shortage of nurses; there is a shortage of primary care physicians; there is a shortage of technicians. There is a shortage of people to just—orderlies, cooks, I mean, everything that you can think of that goes into a hospital or a community center, there is a shortage.

We have community colleges. We have some of the best educational institutions. Why are we not focusing more on filling in for the shortages that we need? Because the jobs are there for them to take.

That's what we need to be focusing on as opposed to some of the things that, in my opinion, are not going to be especially helpful. I certainly believe any skill you have can help. But if we know jobs are available in the health professions, then we need to be focusing on health professions. If we know the jobs are available in steel, which we don't have a lot of anymore, but we still do have some of those things, let's train in those areas because I think we've got the training money.

We put all this training money into the Recovery Act. Let's make sure that once we spend it, the outcome is going to be what we want it to be.

I yield.

Mr. ELLISON. Well, I thank the gentlelady for yielding. I'm glad you mentioned steel. Now you know there is no reason in the world we can't make more steel in America. In Minnesota we make steel. We've got taconite mines in Minnesota. It's in an area called the Iron Range, and we make steel. And you know what? We make some of the highest quality steel in the world. And if you really want to make something that's going to have to last and the steel that's going to have a lot of integrity, this is the place you want to get the steel from.

Yet, we're making bridges and roads all over this country importing the steel from other places. Let's make the steel here. Let's adjust our trade policy to make sure we've got a fair, even, level playing field

Ms. FUDGE. Will the gentleman yield?

Mr. ELLISON. Yes, ma'am. Yield back.

Ms. FUDGE. You've talked about infrastructure twice, and I think it's so significant, because one of the things that we know we need across this Nation is to shore up our infrastructure. We know we need to do it.

We need more apprenticeship programs for young people to learn how to build roads and bridges. We need more apprenticeship programs to teach people how to paint bridges, to repair bridges, or to lay asphalt and concrete and steel and rebar, whatever it is that we need to do. That is happening all across this country. And we need to make sure that there are programs in place for young people to learn how to do those jobs because they are well-paying jobs. They are jobs that they will have for a lifetime because there's always, as you say, from our communities, we're always going to be fixing roads, and we're always going to be fixing bridges.

And so I think it's really important that we start to try to say to these people that it's important that this be an opening for young people to get into these trades.

I yield back to the gentleman.

Mr. ELLISON. Will the gentlelady yield for a question?

Ms. FUDGE. Yes, I yield.

Mr. ELLISON. Do you think that the Congressional Black Caucus has a vision for America to put America back to work? And do you think that constituents of all colors, all faiths, all cultures, can be trained to do the work that needs to be done to rebuild America?

Ms. FUDGE. Will the gentleman yield?

Mr. ELLISON. Yes, ma'am

Ms. FUDGE. Without question. There is no doubt in my mind that if the plan we have presented, not only to the President, but to other Members of this body, to other institutions and agencies that we have worked with and collaborated with, we have come up with something that I think is a can't-miss, and I do, in fact, believe that it is time for our plan to be reviewed and to be moved forward. I mean, we have a good plan. We can put people back to work. And I just hope that others, our colleagues, will join with us in making sure we do that

Mr. ELLISON. Will the gentlelady yield for another question?

Ms. FUDGE. I yield to the gentleman.

Mr. ELLISON. So the plan that the Congressional Black Caucus is offering, it's not just a plan for African Americans; it's a plan for the whole country, is that right?

I yield to the gentlelady.

Ms. FUDGE. Absolutely, you're right. And I thank you for yielding. The only thing that I would say about this plan is that this plan not only talks about how we get all Americans back to work, but it also says to us, how do we get those people who have been unemployed for so long or those people who are in such pockets of poverty that they don't have the same opportunities, how do we lift them to the same level as all the others?

Mr. ELLISON. Will the gentlelady yield back?

Ms. FUDGE. I yield to the gentleman.

Mr. ELLISON. So that kind of vision, that is the kind of thing that we need more of around here. The Black Caucus does believe, you know, that we—that opportunity doesn't know a color, doesn't know a culture, doesn't know a faith, that we all have to do better when we all do better, and that we, America, must make sure that we're tapping the talents of everyone, whether that person is an African American person, living in the inner city, or a rural area, or a suburb, or any person, that we can't leave our talent behind.

We don't know where the answer to curing cancer is. It might be locked up in the mind of a little Black girl in Cleveland somewhere, and she just needs some development of her talents. Does the Black Caucus believe that's true?

Ms. FUDGE. Will the gentleman yield?

Mr. ELLISON. Yes, ma'am.

Ms. FUDGE. In this global economy in which we live, we need every single American to bring that which they are good at, that which they have trained for, worked for, that which they know, because if we don't, then we are going to start to find ourselves not being the number one Nation in the world anymore. We're not going to be the Nation that brings forth all of the new technology, all of the new research, all of the new things that we know are going to move and drive this country. So I think it is imperative that every single individual, and we know every individual has worth, but we certainly need to say to them, whatever it is that you can do, we need it as a Nation. That is what's going to make us strong. That is what keeps the chain strong. I think that we are in a place where we just must continue to work with every single person in this Nation.

Mr. ELLISON. If the gentlelady would yield. I just want to offer the idea that, you know, so tonight we are talking, it's the Congressional Black Caucus hour, we're talking about jobs for Americans. We've talked about infrastructure. We've talked about manufacturing. We've talked about the need to address trade policy. We've talked about a progressive vision that the Congressional Black Caucus is offering for America to address joblessness, but also long-term joblessness.

But also, I think we should make a mention that we're relying on our small business and entrepreneurs to help get into this fight and get people employed again as well. And that's why I was very pleased to hear certain members of the Congressional Black Caucus raise an issue with the President regarding streamlining and loosening up the SBA to make sure, because if we can get the small businesses into this, they're going to hire quicker than some of these big businesses are.

□ 2200

A lot of big businesses, when they hire somebody they are going to just give the people they already have overtime. And they are going to give the people they already have, make them work more hours often. And that is why we often see employment as a lagging indicator even when the GDP is improving.

But if we can get the small businesses to get some loans, that might be something that can really spark up the economy. So I was very pleased to hear Chairman BENNIE THOMPSON make this point, because I think small business development has got to be a key strategy we pursue in getting America back to work.

I would yield to the gentlelady.

Ms. FUDGE. You are absolutely right. But the one thing we have to stress is that small business growth, that is where most of our people are employed. We know how important it is, but it has to be fair. We have to do it fairly.

For those people who might be watching us for the first time, do understand that we don't represent just African Americans. We don't represent just minorities. There are very few of us in this entire caucus that represent just African Americans. I don't know of any. So no one should feel that we are excluding any other group of people. We want all of our people in need to be served by what we do.

So it is important that we talk about small businesses, that we talk about contractors and how they are handled and treated in this country, minority and non-minority. We talk about women-owned businesses. We are advocating for all of them to be treated fairly and equally as we dole out the resources that we think are going to help bring this country back. So I thank you for mentioning that, because we do represent so many people. We represent all people.

Mr. ELLISON. If the gentlelady would yield, I only have about 10.2 percent of my constituents who are African American. I would say clearly 80 percent of my constituents are white. We have a diverse community. We have new Americans, we have Latinos, we have different people from Russia coming into our community. We welcome them. The Black Caucus is made up of African American members. This is rooted in the 1960s. But the truth is there are a lot of people who are white in the U.S. Congress who represent a great deal more black people than I do.

So we always have a focus on what is good for the whole country, what is good for America, persistently unemployed. But it is also true that our country does have a particular history as it relates to opportunity. And when we work for opportunity for all people, it enhances America, makes America better, and also helps people who have been on the more challenged end of the lack of opportunity. So this is something that we stand up for.

I yield to the gentlelady.

Ms. FUDGE. Thank you. I am very proud to say that I probably represent one of the most diverse districts in this House, and I am very proud of that. What I know, though, is that the people who have the least are the people who need me the most. So I do focus more on the poor, I focus on children in need, I focus on the hungry. But so do all of the other people in my district, which makes me so proud. When you look at how we pull together to try to help the neediest people, all of us as a district, that is what has so impressed me about all of the people that I serve. So we all, I think, really understand the necessity of pulling up and helping our neighbor. And I am very proud that I represent people such as that.

I yield back.

Mr. ELLISON. The gentlelady is right. We have dynamic districts. You know, we have got a lot of smart people in the districts we represent, good ideas coming from all places all the time.

In fact, even this morning I was lucky enough to talk to some people

representing the business community, listening to some of their good ideas. They were telling me some of their views about how we might be able to generate some employment. And, actually, these are folks who work in small businesses, but also some Fortune 500 companies. All of them, I am proud to say, want to help deal with this job gap we have.

One of them pointed out and said, look, you know, we used to say that 5 percent unemployment was a natural rate of unemployment. But, in fact, some economists say it is going to be 7 percent unemployment is going to be the natural rate of unemployment. It would be a shame if we tolerate that. We need to be the people who fight that and say, look, we are trying to get every American who wants to work a job.

Let me yield back to the gentlelady. And I see we are joined by one of my favorites.

Ms. FUDGE. Thank you for yielding. I am going to make this comment, and then I am going to yield to our colleague from Texas.

I do want to say that certainly there is some recovery going on in this country. We just don't want for people who need it the most to be left out of it.

And I thank you so much, Representative ELLISON, for sharing this time with me. I am always impressed by your passion. I am always impressed by your ability to articulate your position. And I thank you so much.

Mr. Speaker, I would now yield to my colleague from Texas, the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the Congresswoman from Ohio. And I rushed back because I was listening to you and this debate on the floor of the House. Let me bring you greetings from NBC-LEO, which is the component of the National Black Caucus of Local Elected Officials, city council members and many mayors. And I mentioned you and Congresswoman BARBARA LEE, who I know was already on the floor, and Congressman EMANUEL CLEAVER and others that came.

Let me add to the cry and the desperate need for work for the chronically unemployed. This is a time when we must focus on this effort. I met with my local governmental agency that receives Federal funding, and they are begging not only for the chronically unemployed, which they are familiar with, but summer youth jobs. And this is the work of the Congressional Black Caucus, to focus on those who have been left along the wayside.

We are grateful for the leadership of this President that understands the value and importance of making sure that everyone has a job. I stopped calling the Recovery Act ''stimulus.'' I call it an investment, an investment in people. I don't let anyone tag me with a stimulus bill. Stimulating. It is investing. It is building roads and bridges. It is putting people back to work.

We want to make sure that those people who have been unemployed for a long period of time, who still have hope, who still have abilities to be able to work, want to make sure that those who have paid their time, who are rehabilitated, who have families, who may have had a, if you will, a start that wasn't the best start, may have deviated from the straight road but are now trying to ensure that their families are taken care of, ex-felons, should be able to have training.

We want to work with unions to ensure that they open vastly the opportunities for people to be trained in apprenticeships. And we want to make sure that small and minority businesses, who in fact are the backbone of this economy in terms of employment, get the opportunity through our transportation infrastructure rebuild to be able to both participate in the contractual process of rebuild and then at the same time go into our communities and build.

I want to say also that the faith community can be a real partner to us. They can be the sources of recruitment. I have spoken to my pastors in my own congressional district. They are eager to work with us to provide resources and sites and populations of those who can be employed.

This is a crucial effort that the Congressional Black Caucus is initiating, our day on Wednesday when we will be speaking, in essence, truth to power, where we will be talking about the chronically unemployed, summer youth jobs, and public jobs. Maybe we cannot do the WPA as we did in World War II, but we can have a focus to ensure that there is an opportunity for every single American to have a job.

And I would say in closing that the challenge is not hard, because we are talking about census tracts. And census tracts have people from all walks of life. They are Caucasian, they are Latino, they are African American, they are Asian. We are talking about going into the census tracts that are documented as impoverished. We want to get those people who want to work, who can work.

If we lift their boat, if we provide them with the opportunity for income, they are renting, they are buying, they are circulating the dollar inside our community. If we give small businesses the opportunity, they are growing, they are multiplying, and they are placed inside those communities. And if we give the summer youth job program the boost that it needs to have, what an amazing opportunity to get young people not only to be committed to work and understand what work is, but to be able to invest in the community, to be able to buy school supplies, school uniforms, and also to be able to help their family.

I think that this effort is long overdue. I look forward to working with President Obama and the Congressional Black Caucus. I want to thank the chairwoman, BARBARA LEE. I want to thank Congresswoman FUDGE and the economic task force, which I am proud to be working with.

And, finally, what I would say is I am going to speak about them later on this week, but Jack Yates won the State championship for basketball, and they are rated as the number one high school basketball team in the Nation.

□ 2210

I only cite them to say that our young people are not our yesterdays. They are not our todays. Excuse me, they are not our future. They are our todays. And as they play sports and they are academically geared as we want them to do, let's give them an opportunity to work and to invest in themselves and to help them go forward in their college education.

I'm excited about what we are doing. It is something that cannot be left along the wayside. We cannot forget those who have been forgotten for too long. I believe that our theme should be the chronically unemployed not yesterday, and not even in the future, but today. We must answer the question to provide opportunities for them.

Ms. FUDGE. I thank you so much again for joining me. It is always a pleasure to have your insight. You are just so very good at making the American people understand what the situation is and how we might correct it. And I thank you, as always, for helping me to formulate some of the ideas that I have as well.

And I do want to reinforce something, Mr. Speaker, that my colleague said, and that is, we have to really pay some particular interest and concern to ex-felons and unskilled workers, because they are the ones who are, right now, at the bottom of the barrel. And we have to find a way, indeed, to get them gainful employment and to just make them feel useful to society again as well as to provide for their families. I think it's so important. I thank you for raising that.

Ms. JACKSON LEE of Texas. I want to quickly make two points. The community college system we have heard now is expanding because everyone wants an opportunity to be there and be trained. I hope that we will be able to have, in our package, the unemployed who are getting unemployment, keeping their unemployment but getting a scholarship to be trained which helps their income and, therefore, does not deprive of them that unemployment while they are getting a stipend to go to school. And I also hope that in the Houston community—I'm sorry. Let me cite the Houston community college system that I have on my mind. They do a great job, but that in our community college system, that those ex-felons that we have just spoken about can also be trained and be given opportunities. Let's not close any door to the chronically unemployed.

Ms. FUDGE. And it is one of the things we discussed with the President, how do we make sure that ex-felons in particular are included in programs that we are funding throughout our

States. So I think it is very, very important that we bring that to the attention of the American people.

Mr. Speaker, I want to thank you for, again, allowing me to anchor this hour. It has, as always, been an interesting discussion amongst my colleagues about how we do the work we do, how we continue to be the conscience of the Congresses. I thank you so much.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there are at least 13 private companies in the $1 billion revenue bracket and 19 companies listed in Fortune 500 in North Texas. Dallas is also known as the Silicon Prairie of the United States and is proud to house the largest hi-tech employment centers in the nation.

The 30th Congressional District in Texas, where I represent, concentrates on electronics, hi-tech industries, manufacturing, and has a very large concentration of global headquarters.

However, current global economic trends force large high tech companies to lay off their workforce and it is apparent the industry has no immediate plans to rehire.

I do believe job creation will occur through small businesses. Small businesses, infrastructure, and clean energy are areas in which we can put Americans to work while putting our nation on a sturdier economic footing. The foundation for sustained economic growth must be our continuing focus and our ultimate goal which includes capitol lines of credit for small businesses. It continues to concern me that banks are currently not lending.

(a) Establish public interest free loans for small IT companies to get new products on the market. Loan time should be in the range of 7 to 10 years;

(b) Encourage banks to be more generous reworking home loans to prevent more foreclosures;

(c) Because our economic future depends on a financial system that encourages sound investments, honest dealings, and long-term growth, I believe jobs can be available if small businesses can get help. Small IT companies can be leaders in achieving electronic medical records;

(d) And because our economic future depends on our leadership in small business we can help them create jobs and employ more people through enhancing their abilities to lead in the installation of energy saving windows, weatherization, water-saving plumbing, etc. I am encouraged that the current administration's policies will help investing in basic and applied research, as well as to create the incentives to build a new clean energy economy.

As one of the Senior Members in the U.S. Congress, I will work with the administration and my colleagues in the House to make sure that the reauthorization of the Workforce Investment Act (WIA) occurs in this Congress. The Workforce Investment Act addresses retraining and training issues. I believe in work force training through local government or community colleges so opportunities can be fairly practiced.

Ms. FUDGE. I yield back the balance of my time.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for half the remaining time until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized here on the floor of the House. I came to the floor tonight, Mr. Speaker, to address you and hopefully the American people listening in. We will give some more thought to what is going on in this country.

There are many people across America that are having trouble sleeping tonight and last night and they will tomorrow night and the next night and the next night because they see what is happening to our country. They are watching the deals that are being made. They have got to guess what they are because, yes, they are back behind closed doors, and they are more creative than ever before.

Even though the President believed that it was incumbent upon him to at least go through the demonstration of discussions on C–SPAN and having bipartisan discussions which took place here in this city at the Blair House on February 25, it didn't absolve the fact that intensively the weekend before and probably while the discussions were taking place and certainly intensively after, there had been all kinds of backroom bargaining and deals that have been taking place. Not that we have to do all the legislation out in the open. This is just the point the President made, Mr. Speaker.

The American people are watching what is happening to our liberty. They are laying awake at night. They are talking with each other at work, at play, and not quite over the backyard fence where I live, but further south, yes, it is warm enough for that. They are wondering how it is that the American people have done everything that they know how to do that is legal and proper to redress their grievances with the United States Congress, and still this Congress' hearts are hardened. Still this Congress doesn't hear the message that has been sent by the American people.

Over and over again, it goes clear back to the beginning of August of last year, right after cap-and-tax passed this House, a bill that was not read by anybody and a bill that didn't exist when it was debated on the floor, voted on on the floor. And when the House of Representatives, for the first time that I know, messaged a bill that didn't exist to the United States Senate, right after that—I should pause for a moment, Mr. Speaker, and let that soak in—this House passed a huge bill—cap-and-trade they call it, cap-and-tax I call it—right before we left for the August break, a bill that didn't exist, that was messaged to the United States Senate; a bill that didn't exist messaged to the United States Senate, and then, Mr. Speaker, the debate over this national health care act began in earnest.

Now, the American people are apprehensive about this. They love our liberty, they love our Constitution, and they love our freedoms, as do I. And here is how this unfolded.

We had a Democrat Presidential primary that was the challenge between Barrack Obama and Hillary Clinton. Hillary Clinton, 15 years earlier, had produced a legislation. A lot of that was done behind closed doors and in backroom bargaining sessions, but at least they had the boldness to introduce a bill, a bill that went up on the flowchart, a flow that I still have somewhere in my archives. It scared the living daylights out of me, growth of government. But it was single-payer, socialized medicine, HillaryCare, rejected in this Congress 15 years ago, reared its ugly head in the Presidential primary on the Democrat side in 2007 and 2008. The challenge between Hillary Clinton and Barack Obama brought the focus on reforming health care before the Presidential race.

Now, this is how these things happen. First, some experts out there go out and identify a problem, and then they get the media to pick up the problem. And then the political class begins to churn that problem and raise it to the level where, after a while, people hear it every day and they think, We must do something. We must do something.

We got here because that contest in the Democrat primary side brought forward the health care issue as one of the top issues. Whether it was that important compared to our other priorities like war or a collapsing economy, I would say this is not the time. But Barack Obama believed he had a mandate as elected President. And as a candidate and early on as a President, Barack Obama, Mr. Speaker, consistently made the statement that he is for a single-payer plan. ''Single-payer plan'' is code language for socialized medicine, for government pays everything, government writes all the rules, government writes all the checks, government decides who works and who doesn't.

I have seen some of this language that has emerged that has been filed in this Congress clear back as early as 1981 that said we should establish a national health care service and everybody working in health care will be either a salaried or an hourly employee. That means if you are a brain surgeon, you don't get to charge for your service. The government writes you a check once a month and you go operate on as many brains as you are given to operate on by the government. That is single payer. That is Canadian style. It's German style. It's British style. It's European Union style.

We know that Canadian style isn't something all the Canadians want to live with. As a matter of fact, the Premier of Newfoundland and Labrador, his name is Danny Williams, a little over a month ago needed some heart surgery. And if he had submitted to the heart surgery that would have been available to him under the health care program in Canada, they would have

had to have gone in and split his sternum to do the surgery.

□ 2220

So there is a long recovery process to stitch that sternum back together, and it is painful. But the specialist in Mount Sinai Hospital in Miami had a procedure where they could go in under the arm, separate the ribs, and do the surgery. The recovery is a lot quicker.

So what does the wealthy prime minister of Newfoundland and Labrador do? He walked away from the Canadian system, flew down to Miami, and paid for his surgery out of his pocket. Now, that is Canadian access to American health care.

No one who has been proposing this idea of socialized medicine has told us where we are going to go for our health care if we morph into the Canadian, German, European Union, United Kingdom model. No one who is proposing this socialized medicine, government-managed everything, has pointed to a single nation that has produced a model of health care insurance and delivery system that they would point to and say, We want to emulate that. We want to model that. No.

Of all the experimenting that has been going on in the world, the experiments haven't worked out for the rest of the world, Mr. Speaker. I happen to have an example of how poorly those experiments have worked out in the world.

This would be the survival rate chart comparing the countries by color. If you look at the blue, the mauve, I guess that would be, and then the yellow and the light blue, it goes this way, left to right, generally: United States, then Canada in the reddish, Europe in the yellow, and then England in the lighter blue or the green.

Here are the types of cancer and the survival rates: Prostate cancer, United States, 91.90, call that 92 percent, survival rate for prostate cancer, as compared to, going down the list: Canada is not as good, 85 percent; Europe, 57 percent; and England, 50 percent, 51 percent. That is prostate. Clearly better than anybody else.

Breast cancer. The United States above everybody else. The slope is the same, although the competition is pretty close between us and Canada.

Then you underline all men's cancer lumped in together: Americans, 66 percent survival rate; and then on down to 53 percent for Canada; 47 percent for Europe; and 44 percent for England.

A little bit different configuration here for all women's cancer, but still the United States' survival rate is better.

These are the outcomes that we get. The innovations that Americans are providing, by the way, are being utilized in these countries. They just aren't utilizing them as effectively as we are here in the United States, and they certainly aren't innovating like we are here in the United States, Mr. Speaker.

So President Obama believed that he had a mandate to produce a single-payer plan that emulated one of these systems that clearly, by survival rates, are failures.

We have the best health care delivery system in the world. We have the best outcomes in the world. And, yes, we are spending a lot of money. We are a nation that makes a lot of money. We are apparently willing to pay that.

So the President made this argument: The economy is collapsing, and we have to fix the economy.

President Obama again, Mr. Speaker: We can't fix the economy without first fixing health care, because health care costs too much money.

So the President's solution is throw another $2.5 trillion at a government takeover of health care. Spending too much money, you solve the problem by spending a lot more money. Now, that doesn't pass the third-grade logic test, but somehow that argument just drifts off into the distance, and we operate on that premise as if it were a premise that was stable and built on some kind of logic. Well, it is not.

The second argument the President made is that we need more competition in health insurance companies. Now, he didn't get it done over there, but the President wants to establish an extra health insurance company that is the Federal Government.

So you won't hear this number very often. It's certainly not something that would ever come out of the White House, the number of health insurance companies there are in the United States: 1,300 health insurance companies in the United States. Now, we can't buy from all of them because some of them are health insurance companies within the States that market to the residents within those States because they are prohibited from selling insurance outside of State lines.

For example, a young 25-year-old man in reasonably good health in New Jersey would be paying $6,000 a year for a health insurance policy, where if he were in Kentucky he could buy a similar but not identical policy for around $1,000 a year. If you let that young man in New Jersey buy his insurance from Kentucky, I guarantee you he is going to buy the Kentucky insurance, the cheaper insurance.

The President, though, his solution is to create another health insurance company so we could have 1,301 health insurance companies. Just one of them would be the Federal Government. And of the 100,000 possible health insurance varieties to choose from, the President's company would produce, pick your number, 10 or 15 policies. So we would add a little bit to the number of choices we have there, but not to the competition.

Meanwhile, the most expensive, unnecessary thing we have is the lawsuit abuse in health care and the defensive medicine that necessarily must be part of it. If you look at the numbers on the range, they go down to as low as 5.5 percent of overall health care costs are attributed to lawsuit abuse, much of it going into the pockets of the trial lawyers, and that number goes on up to 35 percent or so.

The dollar figure that I would anchor to is health insurance underwriters' number: 8.5 percent of overall health care costs. That is $207 billion a year unnecessarily being wasted, a lot into the pockets of the trial lawyers, a lot being spent on defensive medicine. Some goes to plaintiffs. That is $207 billion a year. The Government Reform Committee produced a report that showed it was at $210 billion a year, but those numbers go on up to $650 billion a year. So there is a range.

I will just take us back down to $207 billion. That is a number that I think is entirely defensible and very conservative. And if you calculate that for the duration of the bill, Mr. Speaker, that is $2 trillion over the course of this bill.

So the President is going to solve a problem of spending too much money by spending more, and he is going to solve the problem of not having enough competition in health insurance by creating a Federal health insurance company and regulating all the other insurance companies. Now, if they regulate the other insurance companies the way they are regulating Toyota right now, you can see how they can compete in the marketplace.

Mr. Speaker, that is the framework of how we got here, and it is based on two flawed premises: One, we spend too much money, and the solution is to spend a lot more; and the other is, we don't have enough competition in the health insurance industry, so the solution is to create a Federal health insurance company.

The solution is: Allow people to buy health insurance across State lines; fix the lawsuit abuse, reform the lawsuit abuse; and, provide for full deductibility for everybody's health insurance.

I would be so happy to yield to the gentleman from Pennsylvania, Mr. THOMPSON.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Iowa for hosting this Special Order tonight at a late hour, but it is important. It is important that we use every hour this week to stop what really is just a terrible attack upon the health care of this country.

When I came here 15 months ago, I came out of health care, 28 years working in nonprofit community health care, serving people that were facing life-changing disease and disability. I came here with a commitment that there were some things we could do to improve the system we have, and I have that same commitment today. But I came here with almost 30 years of experience, 30 years of pride in the health care system that we have, how we meet the needs of the people that have needs, and people with varying amounts of means as well.

There are many processes we have just in my congressional district. We have almost two-dozen rural hospitals. We also have other great facilities such as federally qualified medical centers that meet people's needs that frankly don't have a lot of means and don't have a lot of money to put towards health care, but they have access to quality health care.

And that is one of the things that disturbed me since this debate began, because the President and the Speaker have made this debate about access to health insurance. That is the wrong debate, absolutely the wrong debate. We should be talking about and should have been talking about from day one access to quality health care. That is what Americans want. That is what Republicans are committed to. Those are the proposals that we put forward back in July.

My good friend said a very important word when it comes to health care in this country and serving our citizens, and that is ''innovation.'' The United States of America is a country of innovation when it comes to health care. The system we have allows us to find procedures, treatments, medications, even just medical equipment, new innovations that frankly help those survival rates that you referred to, many of those that contributed to those higher survival rates for cancer in the United States of America, innovations in health and recovery that, once we help people survive, help people to rehabilitate, to recover, to get back to the things that they did in their lives, to be able to return to work and return to a productive life, which is what everybody strives to do.

My background actually was specifically rehabilitation, durable medical equipment, wonderful innovations that help people live and age with dignity, help people stay in their own home settings so that they don't have to go into any kind of an institutional setting. That innovation only comes from the health system that we have.

□ 2230

There are four principles I've led my life by as a health care professional and have guided me in this debate in 15 months, and that is that we need to do everything possible to, first of all, lower the cost of health care for every American. We need to strive to increase the access to quality health care for all. We need to improve on the quality and the innovation that we've enjoyed in this country, but we can do better. And the fourth principle for me is to strengthen that decisionmaking relationship between the patient and the physician, not allowing the government or a bureaucrat to insert themselves in that decisionmaking process.

Yet, as I look at what was the Pelosi health care bill and what I look at now as the Senate health care bill, I see, as I tear that apart, and not as a Republican, not as a partisan, but as someone who spent their lifetime dedicated to providing health care services and meeting the needs of people facing life-changing disease and disability, my evaluation, assessment is these bills make all four dimensions of health care worse.

They drive up costs. We can talk more on that as we go on this evening. It really will limit access. It will serve to decrease quality in the long run. And certainly it will kill innovation, which has been just one of the bright spots of this health care system in this country. Frankly, it provides a wedge—and that's a government or bureaucrat between the patient and physician in terms of decisionmaking.

I yield back.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Pennsylvania, we have talked these different pieces over. I just reiterate this: that the principles you laid out—lower the cost, provide for access to good care, improve the quality, and strengthen the doctor-patient relationship rather than intercede in the doctor-patient relationship, which is what is going on—all of these discussions that we're making, and they claim that there is a bipartisan bill out here.

It's pretty interesting. Some language—the shell bill—apparently has gone to the Rules Committee and they have debated and reported a rule out of the Rules Committee that's designed to be the reconciliation language. But the substance of this reconciliation apparently isn't in the bill. Seems to be only a couple of pieces about that bill, a shell bill, and then basically it's pieces of H.R. 3200 that the House has passed that would be inserted supposedly as amendments.

Well, it would be passed as reconciliation language that would become amendments to the Senate bill and also an attachment of student loan provisions in there. So it finalizes the complete government takeover of the student loan program. What student loans have to do with health care, what a takeover of our health care by the Federal Government have to do with student loans might just be what qualifies a piece of legislation before the United States Senate down the hallway to meet the standards of reconciliation for the Parliamentarian so that this fantastic bait-and-switch can take place.

Here are the circumstances, Mr. Speaker: the House has gone through great pains to pass a bill, and it was very, very close. Well, the Senate wouldn't take up the House bill. The Senate took up the Senate bill. The House bill passed here November 7, 11 o'clock at night, on a Saturday night. Unusual for this House to be in session at a time like that. But even more unusual was the United States Senate passing their version of a health care bill. That was on Christmas Eve morning. They stayed in session on Christmas Eve morning and passed a bill with 60 votes. That 60 votes was required to break the filibuster.

And so we're in a circumstance today where the Senate can't pass their own version of the bill today because of the vacancy that was created by the death of Senator Kennedy, and was replaced by an appointment and then by a special election on January 19. They elected SCOTT BROWN. They know SCOTT BROWN is a ''no'' vote on the Senate version of the bill. He has said so.

So here's the unique circumstance: the Senate can't even pass their own version of the bill today. They can run that bill back across the Senate, and it would fail. The Senate wouldn't pass the House version of the bill either. And so the House is being asked to pass the Senate version of the bill—the Senate version they can't today, remember, Mr. Speaker. The House is being asked to pass that even though the House rejects it—pass it on faith—so that this reconciliation package, this shell bill that PAUL RYAN called a Trojan horse, can be brought here to the floor of the House and be passed, be sent over to the Senate, where the Parliamentarian could rule on whether it would be able to take it up and pass it on a simple majority to circumvent the filibuster in the Senate.

This is unprecedented. Others will say this has happened some 21 times in history—not in a government takeover of our health care, not in something as personal and private as this is. This is unprecedented. Then you have the Slaughter rule.

The gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Well, if the gentleman will yield, you have been here obviously serving the American people a lot more years than I have, but I have a question in this process. Obviously, we're supposed to—and I expect Friday night or Saturday we will see the Senate bill. It will be shoved at us, and we will be forced to take a vote on that. It will be a vote that we're supposed to take with a promise, under reconciliation, that all the very terribly flawed parts of this bill will be fixed under reconciliation.

My question is: Relying on your experience, what if reconciliation—if we take this and my Democratic colleagues pass the Senate bill, which they don't like, but they do it under a false promise that it will be fixed in reconciliation, what happens if reconciliation never occurs?

Mr. KING of Iowa. Then I think the gentleman does know what happens. If reconciliation doesn't occur, the President will sign the Senate version of the bill that would have been passed by the House by hook or shenanigan, and that would become law. And it would be the law of the land. The law of the land would be the ''Cornhusker Kickback,'' the ''Louisiana Purchase,'' the ''Florida Gatorade,'' which exempts Florida from Medicare Advantage cuts. It would include also billions of dollars for medical health clinics in the State of Vermont to satisfy the Senator from Vermont and six or seven other special deals, along with language that would

fund abortion and also language that would fund illegals. That's in the Senate bill, all of that.

There's some margins there where it's not as egregious, the House version versus Senate, but Stupak language—BART STUPAK, as has been reported in the news, he has been advised that there will be no negotiations on that piece, that the Senate version of the bill that funds abortion is what they're going to stick with here in the House. And so they'll be forced to put up a vote ''yes'' or ''no.'' That's what happens.

This is on the cusp of becoming the law of the land. And the effort to produce this House version of the fix, which, by the way, I reject it all in any combination, it's just the idea of circumventing the rules and trying to pass something through. They're actually trying to amend a bill that is not law and then the promise becomes maybe a signed letter from 51 Senators that says that they will vote for a reconciliation package that will amend the bill after the fact.

The Founding Fathers never envisioned that there would be legislation that passed both Houses of this Chamber that neither House would accept. This House won't accept the Senate version on its face. They will only deal with it if there is a reconciliation promise. The Senate can't pass their own version of the bill today. They don't have the votes to do it. They just had the votes while they had another Massachusetts vote. Now there's been a special election. The American people have spoken.

A piece of legislation that neither body can pass could very well become law in the next week. This city needs to fill up with people tomorrow.

I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate my friend yielding. You make great points. This is unprecedented, what is going on—to have the leaders in Congress and in the White House trying to ram through a health care bill that the majority, not just barely over 50 percent like the President won with, but way over 60 percent of Americans do not want this bill passed. Yet they're forcing it through. You wonder, why would someone work so hard to push through a bill that they know is grossly unpopular. Even if you think it's so grossly unpopular, why wouldn't you want to back up and start over?

□ 2240

There are a number of things that have been said that are not true about the Senate bill. Now, you could be cynical like some people and say, Well, I think they're lying. They're dishonest.

I wouldn't say that. I think they're just completely ignorant. And we all have areas of ignorance where there are things we don't know. But I think that just like with the crap-and-trade bill, we had people come down here and say, This bill will not cost a single job. Well, that told you immediately that they had not read the bill, because toward the back of the bill, there was a fund created, and it said that the fund was explicitly for those who lost their jobs. So we know that there is a vast ignorance by people who don't read the bills that they come down here to talk about.

Now, speaking of ignorance, we have David Axelrod down here. I see you have his quote there: The law of the land right now—this is what he said Sunday. I heard him say this. He seems like a really decent guy, so I'm sure that he didn't intend to deceive, but he said? The law of the land right now is that Federal funds should not be used for abortion services. There's nothing in the proposal that he's—Obama's advanced. There's nothing in what would be approved by the Congress that would upset the existing status quo.

And I appreciate my friend for yielding because there are three things about this bill that allow for the Federal funding of abortion and, in fact, can require it.

Number one, until now, all plans regulated by the Office of Personnel Management have been required to exclude nonfederally covered abortions. So the Senate bill allows all but one of the federally subsidized health care plans in each area to cover abortion. They'll say, Now, you may have one plan that doesn't take care of people like it needs to. We'll offer one plan over here that probably nobody's going to want to buy that will not cover abortions, but the plans that may well be what most people need will cover abortions. So if you want to buy the plan that you're going to need, then you're going to have to cover abortions. That's one thing that's very clear. So that's one way.

A second way under the Senate bill, it authorizes and appropriates billions of dollars in new funding outside the scope of the appropriations bills covered by the Hyde amendment. And the billions of dollars that are here—this is under section 10503, Community Health Centers and the National Health Service Corps. Well, I don't want to make the President look bad, so I will call it ''corpse'' also. The Service Corps Funds, subsection B funding, it's authorized to be appropriated, and it is appropriated out of any moneys in the Treasury not otherwise appropriated to the CHC fund—that's Community Health Center fund. And then subsection 1 of that to be transferred to the Secretary of Health and Human Services to provide enhanced funding for the Community Health Center program; $700,000 for fiscal year 2011, $800 million for fiscal year 2012, $1 billion for fiscal year 2013, $1.6 billion for fiscal year 2014, and $2.9 billion for fiscal year 2015.

Now, the reason that's significant is that the Hyde amendment, which is existing law, only pertains to money appropriated—actually, appropriated in the Labor and HHS bill. This money is not being appropriated in the labor and HHS bill. It is not covered by the Hyde amendment, and that's why I'm sure that it's got to be ignorance instead of the lie that David Axelrod is demonstrating. He probably doesn't realize that the Henry Hyde amendment only pertains to money appropriated through Labor and HHS. This is separate money that is not restricted, and so it can go to community health centers to provide abortions. That is allowed under this bill, and people need to understand that.

Mr. KING of Iowa. If the gentleman will briefly yield, is that out of the House or Senate version, Mr. GOHMERT?

Mr. GOHMERT. This is the Senate bill. This is the one that the House is expected to vote on this week, maybe Saturday. This is the bill that the House is going to vote on. So anybody that comes in here and thinks—or has been sold a bill of goods, because so often if you don't read the bill and you allow somebody to tell you who you think may have read the bill that, Oh, no, no, no. That's not—Oh, no, it doesn't change existing law, they just don't know. It does change existing law. You just have to read it and understand the implication of the Hyde amendment, what's covered and, you know, the implication here.

But there's another thing, too. Section 1303 of the Senate bill that we're expected to vote on only limits the direct use of Federal tax credit to fund abortion coverage. The credit still could be used to pay premiums for health care plans that allow abortions. So the Federal tax law, the Federal tax dollars, through their credits, are going to fund health care plans that allow abortion. That's a third way that the Senate bill that we're going to supposedly vote on the end of this week will fund abortions.

Now I know there are people in this body who think that's a great thing, to fund abortions with Federal funds. Others, like me and my friends here, believe that it is not appropriate to take money away from people who know in their hearts it's murder to kill an unborn child and make them take their tax dollars and pay for abortion. That's been the law of the land for over 30 years, and it is changed dramatically by the Senate bill. And people just need to understand, if they're going to vote for this bill or they're going to vote for a rule if it's self-effectuating, then they are going to vote for and bring into effect a dramatic change to the law on Federal funding of abortions.

Mr. KING of Iowa. Reclaiming my time and posing a question back to the gentleman from Texas, having read through this language in the Senate version of the bill and done this analysis that you have so well delivered here on the floor, can you imagine that this would just be an innocent mistake created by the drafters?

Mr. GOHMERT. Well, I can imagine that it's an innocent mistake by those who are talking about the bill. I do not

believe it's an innocent mistake by those who've drafted this bill. It's unfortunate that we don't know who they are. We were not privy to those private sessions that were not under C–SPAN cameras, that were not covered—or reporters were not allowed. Nobody was allowed to see. Certainly there were no Republican in the House or Senate that were allowed in there when this stuff was drafted.

So, yes, I think it can be an innocent mistake, and I believe it is by many who don't realize what this does. But to answer the gentleman's question, it's certainly not innocent by those who've drafted this to spend billions in tax dollars of tax money that can fund abortion.

Mr. KING of Iowa. Reclaiming my time, and I'm posing another question to the gentleman from Texas, the judge, and that is, was there an opportunity—would there be an opportunity for any Member of the House of Representatives to offer an amendment to fix those provisions so that abortion is not funded under the Senate language of the bill?

Mr. GOHMERT. My understanding is we're not going to be given that opportunity to amend the bill here in the House. The House will have to pass the bill exactly as the Senate did. And actually, there was an effort in the Senate to amend the bill to put Stupak-type language in there, and they voted it down. Now, why would anybody in the Senate fight that kind of battle and work so hard to try to get that kind of Stupak language in the Senate bill and go to all the grueling fight that they had to try to get it in there if it was unnecessary?

Mr. THOMPSON of Pennsylvania. Well, I believe that some of our colleagues across the aisle are probably looking to vote for this Senate bill that may even agree with us on abortion and how wrong that is to publicly fund, let alone to complete procedure under the promise—the promise it will be fixed through a reconciliation bill. And I just want to talk a little bit more about what the probability of that is.

We're going to be relying on the Senate to bring a bill to us, to pass a reconciliation bill to make these fixes that they're putting together, these sweeteners, these promises. Now, to the best of my knowledge right now, we've passed a number of bills in this Chamber in the past 15 months, and by my calculations, we've sent over 200 bills to the Senate that are just lingering in the Senate. They haven't taken action on them. So if there's 200 bills there already that they haven't taken action on, what is the probability, what is the chance that they'll actually do a reconciliation bill that would make these fixes?

□ 2250

Mr. KING of Iowa. Well, reclaiming my time, I think we should spend a little time on the Slaughter rule. And before I go to that, I want to make the point that, Mr. Speaker, I anticipate there will be a lot of Americans in Washington, D.C., tomorrow. I believe there are a lot of Americans that have come in tonight to be here to stand up for their liberty and stand up for their freedom, stand up for their Constitution. They've done this on 9/12, and April 15, and November 5, and November 7, and again in December on the Senate side. And then they went to Massachusetts, where we received an intervention in Massachusetts. And now it's up, again, to the American people to defend our freedom and our liberty and protect our health care.

But one of the other maneuvers that is not off the table yet, and the majority leader last Friday talked around it every way, every way except taking it off the table, and that is the Slaughter rule, named for the Chair of the Rules Committee, who proposes that, rather than requiring Democrats who don't want to vote for the Senate version of the bill to vote for it, vote it up or down—they're afraid it would fail. I don't think they're worried about making them vote for it. I think they're afraid it would fail. Her proposal is that they would just bring a rule that would deem that the Senate bill had been before the House and been passed. So they wouldn't ever have to vote on the Senate bill. They would just pass a rule that would deem that it had been passed by the House, so there'd never be a recorded vote here in the House on the Senate version of the bill; and that way they could get it off the decks and over to the President's desk where he is salivating to sign anything that says national health care.

We have another expert on the floor tonight, another Texan.

Mr. GOHMERT. Will the gentleman yield for just a moment?

Mr. KING of Iowa. And I'm going to go to the first Texan right before I quickly yield to Dr. BURGESS, but Mr. GOHMERT, Judge GOHMERT.

Mr. GOHMERT. I appreciate that. And my friend, Dr. BURGESS, has done probably more work in the area of health care reform and potential legislation than anybody I know of in the House. And so, it'd be great to hear from him tonight.

But I think it was critical, and it is critical for people to understand, who are really wrestling with whether or not they can satisfy their conscience and their concern over Federal tax dollars being pried out of people's hands to fund abortions against their will. It's important that those people understand that David Axelrod—apparently, we're told he's an honorable man, so are they all, so are they all honorable men—but that he apparently was ignorant of the law of which he spoke because he's just wrong, completely, on three counts. And so if anybody's trying to salve their conscience over Federal funding of abortion, they need to understand there are three ways that Federal funding will pay for abortions if this Senate bill is passed. And I thank the gentleman for yielding.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, and yielding to Dr. BURGESS from Texas—who has constantly been pounding against this socialized medicine plan, has a meeting in the morning at 8:00, again to put some more light on the subject matter—as much time as he may consume, the gentleman from Texas.

Mr. BURGESS. I thank the gentleman for yielding. I actually came down to talk about some polling data that was in the Wall Street Journal today. You know, you talk about the Slaughter rule. And one of the talking pundits on television tonight, Hardball, at the end of that program, the moderator, the host said, it is only right that Congress allow an up-or-down vote on this health care bill. And he called on Republicans to stop obstructing.

Let me remind everyone: Republicans are opposed to this bill, but Republicans lack the numbers to obstruct much of anything right now. So it is an internal fight in the Democratic Caucus that is obstructing this bill; it is not House Republicans.

True, it is a bad bill. We all oppose it, as we should. But it is that internal fight on the Democratic side.

Now, an up-or-down vote to me would mean that there'd be an up-or-down vote on some bill, not an up-or-down vote on a rule that deems passage of a bill that was passed by the Senate on Christmas Eve. Up-or-down vote means an up-or-down vote on an actual piece of legislation that has been filed with one of the clerks of either of the bodies.

And I know I need to address my remarks to the Speaker. Mr. Speaker, if I would just ask, if you haven't thrown away your Wall Street Journal from today, you might want to take a look at it. There is some very interesting information in here, some polling data by Heather Higgins and Kellyanne Conway. Kellyanne Conway has spoken to many groups up here on the Hill many times. Their group is the polling company on behalf of the Independent Women's Voice. Twelve hundred people were polled in 35 Congressional districts; 20 previously had voted ''yes'' for the health care bill, 15 had voted ''no.'' But the survey shows astonishing intensity and sharp opposition, far more than the national polls reflect. For 82 percent of those surveyed, the health care bill is either the top or one of the top issues for deciding who to support for Congress next November. Seven in 10 would vote against a House Member who votes for the Senate health care bill with its special interest provisions. That includes 45 percent of self-identified Democrats, 75 percent of independents, 88 percent of Republicans, which you would expect. Almost half of the Democrats would not reelect a Democratic Member who voted for the Senate bill.

Reconciliation poses its own set of problems. People see through that.

That is a parliamentary trick. Yeah, if you can have an up-or-down vote, let's have an up-or-down vote on a bill, not on a procedural motion.

But here was the part that really struck me. When they looked at various demographic groups, men and women, young and old, people who had voted for JOHN MCCAIN, people who had voted for Barack Obama, across all demographic groups, they described dramatic pluralities that say that if the legislation doesn't pass, they will be relieved.

Well, I would submit that with what's left of this week and what's left of this bill, whether it's a long hard slog or what, we have a chance to provide the relief to millions of Americans by killing this bill and stopping it in its tracks.

We can talk a good story about repealing the bill if it passes. The time for action is now. The action is to kill the bill. And I yield back to the gentleman.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas for coming down and laying this part out and making it clear. To me, it's just breathtaking to think that the Rules Committee, up on the third floor, the hole in the wall committee, the people that rarely have a reporter in the room, and only once in the 7 years that I've been in this Congress has there been a television camera in the room, the people that conduct themselves as if they are operating out of the sight or the scrutiny of the public, would be the ones that would cook up the idea that they could bring a rule to the floor that would deem that the House had passed a Senate bill and dodge the idea of the vote.

And I want to make this point over again. We are in this circumstance now where the Speaker, Mr. Speaker, the Speaker of the House, seems to be compelled to bring a Senate version of the bill to the floor of the House, a bill that could not pass the Senate today, a bill that would not pass the House today on its own merits, and in order to get a bill to the President's desk that they could chase with amendments to fix the bill—according to them, fix it. I don't think it actually improves it; it just makes it so that they can get the votes done. It's called reconciliation. And they don't even want to face that first vote of the Senate version of the bill.

It is completely ironic that the House has to pass the Senate version of the bill that the Senate couldn't pass because the Senate won't pass the House version of the bill, but the House won't vote on the Senate version of the bill that they have to pass that the Senate can't pass so they'll pass a rule instead that deems that the bill, the Senate bill, has passed the House. That's what's up.

Now, I hope that's really clear, Mr. Speaker, because I believe I said it precisely and exactly right. That's what's going on this Congress. No wonder people are revolted by the business that is going on here.

And I don't think that we actually addressed the situation on how—I think Mr. GOHMERT did a good job of showing us how abortion is funded under this. But I don't think we've addressed this very well at all tonight, on how either version of the bill, the one that, if we get one, we're most likely to end up with, is the Senate version, funds illegals in this process. And the President has said, and many of his mouthpieces at the White House have said, the President won't support a bill that funds illegals. Well, both versions, the House and Senate bill, do that. The Senate bill has tighter language than the House bill. But this language that protected the American taxpayers' assets from going to benefits to illegals was in the Medicaid legislation that existed for years and years. And 2 years ago, when the changes were forced through this House for SCHIP, the socialized, Clinton-style Hillarycare for children and their parents, that piece of legislation lowered the standards for Medicaid so that the proof of citizenship that did require a birth certificate and supporting documents, to keep it simple, was no longer required, and all that was required of an applicant for Medicaid then was to attest to a nine-digit number, presumably a Social Security number.

□ 2300

That is essentially the standard that is in the Senate, the standard that is in the House. It lowers the standard to the point where fraud is anticipated to the point where the Congressional Budget Office's calculations produce that it will open up health care benefits to as many as 6.1 million illegals. That is CBO's number. That is a number that is calculated from their estimates, not exactly their number. It is not mine.

That is where we stand with this legislation that funds abortion—not so much the House version of the bill, we are not going to get that language—and legislation that funds illegals, legislation that takes away our very freedom and liberty, that nationalizes our bodies, that tells everybody in America the Federal Government can tell you how your health care is going to be managed, that you will buy a health insurance policy, what type of care it will be, what tests will be provided, and what will not be provided.

This is a great theft of American liberty. And never before in the history of this country has the Federal Government produced or approved a product that they required every American to own or buy, let alone the transfer of wealth of taxing people and putting refundable tax credits in the hands of some people to buy insurance, while we expand the Medicaid rolls and tax others for their insurance policies so that we can afford to pay others to buy insurance.

And the next argument that will be of the next generation if this happens in Congress will be the argument that will come from this side of the aisle, and it will be, gosh, hand-wringers, we are spending so much money on administration writing out checks to people to buy their own health insurance policy, why do they need to have a policy? Why don't we just provide them free health care? And then we can bypass all of this insurance business that is going on and put our money directly into the health care, because they won't have enough money to provide the care because of the costs that are being driven up. That is the next generation of this debate.

I am watching the clock; I think we are down to about 3½ minutes left. But I want to yield to the gentleman from Pennsylvania for any concluding remarks he might have.

Mr. THOMPSON of Pennsylvania. I appreciate my good friend yielding.

I appreciate Dr. BURGESS sharing those Wall Street Journal statistics. There was one just a few weeks prior, a CNN poll that showed that 79 percent of independents say start over. Stop the bill that is going on now. That is independents, 79 percent of them.

I was visiting a hospital earlier today, and I talked with everyone. As I talked with the staff, I went with the physicians, the nurses, the therapists, the secretaries; that was the same message they gave me. And these are folks that understand health care. They live it every day, long days in health care. And they said stop the madness, stop this bill, and start over.

And I talked with patients, I talked with family members, and I talked with just visitors. It was kind of interesting. They had no idea who I was. And I was riding in the elevator with a couple folks, and you can tell what is on their mind. They looked at me and they said, What are those people in Washington doing to our health care? They get it. The people at home get it. We need to stop and do the right things.

I just throw in here in terms of the unintended consequences here, one of my first principles was to decrease costs for all Americans. And you mentioned tort reform. Even the President has acknowledged for those folks who buy their insurance individually, nongroup, you know, he has come out and said this is going to drive their premiums up 10 to 13 percent. Ten to 13 percent. That is exactly opposite of what we should be doing.

I appreciate you leading this tonight. I yield back.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Pennsylvania and yield to the gentleman from Texas for any concluding remarks he might have.

Mr. BURGESS. I think it is important for people to remember that what we are doing right now has nothing to do with health care, has nothing to do with health care policy. This is all about pure political power and solidifying a hold on political power for the next 2 or 3 generations.

This bill will be impossible to undo once it is passed. We need to step up and do our duty, stop this bill, then fix the things the American people want us to fix.

Mr. KING of Iowa. Reclaiming my time, purely political about expanding the dependency class because the dependency class expands the political power of the left in America at the expense of our freedom and at the expense of our liberty, never to be gotten back again.

I thank you, Mr. Speaker, for your indulgence tonight, and my colleagues for joining me.

I yield back the balance of my time.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for the remaining time until midnight.

Mr. RYAN of Ohio. Thank you, Mr. Speaker.

I appreciate the opportunity here to respond to some of the criticisms that have been made here, unjust as they seem to be to me, and try to straighten the record out just a little bit.

It is our belief on this side of the aisle that the United States Government and the government of many of our States have a moral mission to protect our citizens, a moral mission to empower our citizens, and a moral mission to improve the lives of many of our citizens. The issue of health care reform to us on this side of the aisle is a moral issue, and it is an economic issue.

When we see throughout our country the level of abuse that has been put upon the people of this country through the insurance system, that, my friends, that, Mr. Speaker, is a moral issue. Nobody is saying that this health care reform bill is a perfect bill. Nobody says that it is going to be a panacea, that it is going to fix all of our problems in this country. But this is a major step forward for our country. And we have as a country a moral obligation to stand up between what the insurance industry is doing to the American people, somebody has to intervene. And there is nobody left because average people who are in Ohio or Iowa or some of these other States have no recourse. They cannot battle the insurance industry.

This has been going on for years and years and years, where the insurance industry kicks people off the rolls when they need coverage or when they get sick, when they deny people coverage because they have a preexisting condition; and so they therefore can't get any insurance at all. And they have created a system here over the past few years, past 5, 10 years where we see 20, 30, 40, 50 percent increases in health care costs for individuals and small businesses, and large businesses in many instances and the government.

So we have a situation where we are that far from addressing one of the great moral issues of our time. And we are that far from addressing an economic issue that will continue to strangle the economy of the United States of America if we fail to act.

Now, I think it is very convenient for our friends on the other side of the aisle and those in the insurance industry to say let's start again. Let's start all over. Let's start from scratch. Well, if the insurance industry wants to go back and revoke 10 years of increases that they have bestowed upon the American people, if they want to start over, then maybe we will start over. If they want to eliminate all of the increases that they put on the American people, eliminate them all. Let's go back to 1995 or 1994 rates, or even just cost of living from 1994 or 1995 when we tried to do this the last time. Why don't the insurance companies start over, Mr. Speaker, and go back and erase their increases that they put on the American people. Then we may consider starting over.

Now, for those people, Mr. Speaker, who have been listening to this debate, they need to recognize that maybe this process isn't pretty, and maybe we could have done a better job explaining what is going on. And many people, and our friends on the other side were talking about polls, and at the same time would lament the fact that we are governing by polls.

So when you look at what has happened over the course of the past few years and what has happened to average people—I want to find the poll that we had here when you pull out the issues from the poll. So the general consensus is, do you want the health care? And they hear on the news, Mr. Speaker, about different things that are going on and they say, well, it doesn't sound like such a good idea.

□ 2310

But then when you pull out specific provisions of this bill, of this health care reform proposal, most of those issues, most of those reforms poll at 60, 70, or 80 percent support.

Are you for getting rid of preexisting conditions and allowing insurance companies to not cover you because you have a preexisting condition? Sixty-seven percent of the American people support that.

Do you support eliminating lifetime caps so that when you get sick and you really need the insurance, you can get it? Sixty to 70 percent of the American people support that.

Do you support not being able to deny every child in the United States of America because of a preexisting condition? Seventy, 80 percent of the American people support that.

Do you support giving small businesses tax credits to cover their workers? Significant support for that.

So we are moving forward with a proposal that addresses the major needs of the American people.

When you ask seniors, are you for closing the doughnut hole? More than a majority of seniors say, Yes, that is something that what we want included in the health reform proposal. And it is included in here. And many of these reforms will go in effect within the next year.

And so when we pass this, Mr. Speaker, and our friends campaign in November about repealing this, they are going to have to go to all the moms and dads in the country and say, No, you know how your child, if they get sick or you want to get insurance, they can't be denied because of a preexisting condition, they want to run a campaign saying, No, we want to repeal that. Our friends on the other side of the aisle, when we say, You can't be denied coverage for a preexisting condition, they are going to want to run a campaign saying, No, we want to repeal that. When we close the doughnut hole and start moving in the direction of fully closing the doughnut hole that the Republican Party put in here when they passed the prescription drug bill that they didn't pay for, we had to borrow money from China to pay for it, and it has a doughnut hole in it, and we attempt to close it, our friends on the other side of the aisle are going to run a campaign in November saying, We want to repeal the closure of the doughnut hole.

Those are the issues that are in here, that are in this reform proposal, and these are the issues that are going to bring some justice to the health care industry in the United States of America.

This isn't about whether the government is going to run health care or the insurance industry is going to run health care. This is about whether doctors can make decisions. And our friends on the other side want to talk about life and liberty. Let's talk about life and liberty. Let's have this debate.

You want to talk about freedom? How free are you when you are sick and you can't afford health insurance? You can't get out of bed to go to work. You have to give up your job because you don't have health insurance. How free are you? I cannot be convinced that the Founders of this great country thought that freedom is somehow the government not protecting individual citizens from underhanded practices from a corporation. I can't believe it.

I believe that the definition of freedom is about being healthy and empowered in 2010 in America. And if there is a corporation or an industry that is limiting your freedom by their underhanded practices, then the government has a moral responsibility to intervene and to protect the individual citizen and protect the rights of the individual citizen. Let's have this debate all day long, Mr. Speaker, telling me some boogie man is being created here that is going to come in to Washington, D.C.

My one friend said nationalizing our bodies. One of our friends on the other side said that this was about nationalizing our bodies. What? Talk about fear mongering, Mr. Speaker. Nationalizing

our bodies? This is about protecting individuals in the United States of America who can't protect themselves, and the government has a moral obligation to do it. If it is a foreign terrorist, moral obligation to do it. If it is crime in the streets and our cities, moral obligation to do it. If it is an unruly industry that has underhanded business practices, moral obligation to stop it. That is what we have here. That is why we are here. That is how this country was founded, to protect the individual freedoms.

To say to small business people, You have to go out into the shark-infested waters to try to get health insurance and have 40, 50, 60 percent increases and do nothing about it because of some warped concept of freedom that is made up, how free is that business person who takes money continually out of wages, out of capital investments into their factories, into their machine shops, into their businesses, into their technology, into training their workers? They are not free to make good business decisions. They probably have all kinds of good ideas about what kind of investments they would rather be making than paying to some health insurance company that doesn't give us value added.

You want to help manufacturing in the United States of America? Help fix some of the health care burdens that our manufacturers are plagued with day in and day out. And how many factories were shuttered because they couldn't make the capital investments because they had to put so much money into health care? How many?

We have seen the decline in manufacturing over the last 10 or 20 years. We have seen stagnant wages over the last 10 or 20 years because businesses had to absorb health care costs while simultaneously trying to compete with China and India and manufacturing all over the globe. And our friends on the other side want to start all over. And they want to tell all these people who are getting denied because they have a preexisting condition we need to start all over and wait another hundred years to do it, or at least another 15 years, the last time someone had the courage like President Clinton had to try to do this.

We have an obligation to fix these problems. We didn't get sent here to take polls. We were sent here to do the right thing. And it is my hope that this week—you know, it was great today. We were in Cleveland with the President. And he was in the middle of his speech, and he said something like, What we need, or, We need, and there was a pause. And a woman shouted out, ''We need courage.''

We need courage. That is what people are feeling. They feel like there's no one there to help them. They get stuck in situations where they don't have anywhere to turn. And imagine the United States Government passing a law that says, when you get sick, you can't get kicked off your insurance.

□ 2320

That is what is in this bill. That is why, when you look at the lists of faith-based organizations who are supporting this bill—Sojourners, Network, Catholic organizations, Evangelicals for Social Action, Jim Wallis at Sojourners, Catholics in Alliance for the Common Good, New Evangelical Partnership for the Common Good, former Associate General Secretary for U.S. Conference of Catholic Bishops, Sisters of Mercy of the Americas. Boston College professors, University of Dayton professors, Marquette University professors. On and on and on and on.

Then, this weekend a huge endorsement for this bill. As my friends on the other side were talking about the abortion issue, 25 pro-life Catholic and evangelical leaders have endorsed this bill, and this weekend the Catholic Hospital Associations endorsed this bill. Do you think the Catholic Hospital Associations of America would endorse this bill if this was a pro-abortion bill? This is the pro-life bill. This may be the most pro-life bill that has passed this House in 20 years.

How do we define life? How many people die too early because they are sick and they can't get the proper care? How many people have a reduced quality of life because they can't get proper health care? Aren't those pro-life issues? They most certainly are. And to have the Catholic Hospital Association endorsing this bill, and then to come out and fearmonger, Mr. Speaker, on the abortion issue is wrong. It is wrong. Twenty-five pro-life Catholic and evangelical leaders, strong, nationally recognized endorsing this bill, because this is a pro-life bill, and we should support it as a pro-life bill.

We talk a lot about freedom, too. How many people in America today are out there locked in a job that they probably don't like all that well, that they probably would rather go work somewhere else or maybe, even better, start their own business? But they can't leave their current employment because they know if they go out into the free market and they try to get their own insurance, that they won't get covered because maybe they have a preexisting condition or maybe their spouse has a preexisting condition or maybe one of their kids has a preexisting condition.

So our friends on the other side say, Start over. Don't do that, don't give that person who got an idea and wants to start a business in America and take a chance—don't help them.

Are we providing the kind of environment for someone to express, have the freedom to express their energy and their talents in America? No. We are limiting it if we don't fix this health care system. We are limiting it. We have a moral obligation as a country to allow each and every individual in this country to express their talents and their skills in this country. We have the opportunity here in the next week or so to make this happen. We have never been so close, extending insurance to 30 million Americans who currently don't have it.

A lot of people say, too, as we talk about this bill that they don't want to pay for these 30 million people. It is important that we recognize that we all are already paying for these people who don't have health insurance.

You see, our friends on the other side—and I sat here and I watched them, and I listened very carefully, and they were picking these fringe issues to try to incite. They were talking about abortion, which, okay, I am sure they believe strongly in that. I do as well. I have a pro-life voting record. But when you have the Catholic Health Association and you have 25 national Catholic and evangelical leaders supporting this bill, it becomes very difficult to scare the American people about that issue.

They don't want to talk about preexisting conditions. They don't want to talk about making sure kids don't get denied. They don't want to talk about tax cuts, tax credits for small businesses to provide health care insurance. Of course not. They don't want to talk about how the Democrats are going to close the doughnut hole. They don't want to talk about how seniors will not have to pay for any preventative care at all in Medicare. They don't want to talk about how this bill is deficit neutral, how it actually reduces the deficit. They don't want to talk about how this bill extends the life span of the Medicare program. They don't want to talk about any of that stuff. And it goes back to the original memo that one of their top pollsters gave them in the spring that said: Do not let Obama pass health care reform. Do not let him. You will be in the minority for a long time. And so they will do anything they can, anything in their power to try to prevent this President from passing health care legislation.

It is good to know, Mr. Speaker, because they are rooting against the President. They are rooting against the President. If the President fails, we all fail. He has extended his hand, taken all of the Republican ideas, put many of them into the health care reform proposal, and there still are Republicans who won't vote for it. Just like in the stimulus package, we had to put $300 billion in tax cuts in the stimulus bill because that is what the Republicans wanted, and we didn't get any Republican votes, because there is no benefit for the Republican side to support the President, to support the American people, because politics has gotten in the way.

So we have all of these issues that are going to go into effect within the year. Within the year small business tax credits, up to 35 percent of premiums, will be immediately available to firms that choose to offer coverage, closing the part D doughnut hole. Immediate help for the uninsured now to create an interim high-risk pool. End

rescissions so insurers can't drop people from coverage when they get sick. No discrimination against children with preexisting conditions. Are you going to vote against that? Go ahead.

Extends coverage for young people up to their 26th birthday, so all the young people in our country will now be able to stay on their parents' insurance until they are 26 years old. So if you want to go to grad school, you will be able to stay on your parents' health insurance. Times are tough now. You may not be able to find work, or at least find work with some decent health care. You can stay on your parents' insurance until you are 26 years old.

Bans lifetime limits on coverage. Bans restrictive annual limits on coverage. Free preventative care under Medicare. This is a reform proposal that we should have passed 30 years ago. Those are the moral issues. But the economic issues are just as profound, just as great.

Small businesses have seen a 126 percent increase over the last 5 or 6 years, and the projections as we move forward are even higher for families and small businesses: Up, up, up, and away will their health care costs go if we do nothing.

And, as we said, they want us to start over. How about the insurance companies start over? How about the insurance companies repeal 10 years of increases and they start over? Maybe that would be fair. Wouldn't that be nice? We want to start all over in this country, come together and figure something out. Repeal 10 years of your health care increases. Free preventative care under all the new health care plans, new independent appeals process. Help for early retirees, which is something that is huge, I know, in Ohio. Creates a temporary reinsurance program until the exchange is available to help offset the cost of expensive health claims for employers that provide health benefits for retirees age 55 to 64. Billions of dollars for community health clinics, and it increases the number of primary care doctors by making huge investments, making sure that we get that done.

The Republicans didn't do anything to address any of these issues for 10 years. Now, all of a sudden, they are late to the game, and they still won't support it. They say, Well, we are for repealing preexisting conditions. They are not going to vote for this bill. We are for tax credits for small businesses. They are not going to vote for this bill. We are for closing the doughnut hole. They are not going to vote for this bill. We are against preexisting conditions, making sure that any child doesn't get denied coverage because of a preexisting condition. They are going to vote against this bill. We are for children allowed to stay on their parents' insurance until they are 26. They are going to vote against this bill.

□ 2330

We're for increased competition. They're going to vote against this bill, because they've been told by the people who guide their political decisions, their pollsters, the cottage industry in Washington that tells political parties what to do, they have been told, Do not let the Democrats succeed in this. And we have asked time and time and time again for their suggestions. The President has taken many of them, implemented them into this bill, and they keep moving the yardstick further and further down because they don't want to support this because their political leadership, their pollsters, their lobbyist friends say we can't do it. We can't let them get a win.

And it's not about the Democrats winning. This is about the people in our districts who are getting hurt; that are getting hurt by the current practices. And when you see the number of faith-based organizations supporting this legislation—Evangelical, Catholic, Jewish, Muslim, Buddhists, I mean, the spectrum of faith-based organizations in the United States of America are supporting this. And they all say, Is it perfect? No. Of course not. This is a body made of human beings who are flawed and make mistakes. But this is a tremendous step forward in our country—monumental, historic.

I'm proud to be here today. I'm proud to support this bill. I'm going to be even prouder after it passes and we can point to X, Y, and Z, as I am tonight, exactly what is in here and exactly what the benefits are. I'll be honest with you: I'm excited to run a campaign in November talking about this. I want to see the campaign where all of the stuff that I just listed is the debate in the fall. And our friends on the other side and our TEA Party folks who haven't done anything in 10 years to try to address any of these problems are going to want to repeal a ban on preexisting conditions for kids—children; a ban on preexisting conditions for adults, saying that you shouldn't be able to stay on your parents' health insurance until you're 26. They're going to run a campaign saying that we should expand the doughnut hole instead of closing the doughnut hole, which is what we're doing in here. They're going to run a campaign saying that we want to repeal the tax cuts that we have given to small businesses to try to make this happen. We want to repeal the subsidies that people are going to get to help them pay for insurance.

It's going to be a heck of a campaign. And they're going to scream socialism like they have been doing for 7 years. They screamed about it.

This is the same party, Mr. Speaker, that just a few years ago, when I first got in the Congress, the early part of this first decade, wanted to privatize Social Security. You don't hear anybody here saying they want to get rid of Medicare. I remember, we sat on this floor, Congresswoman WASSERMAN SCHULTZ, KENDRICK MEEK, and myself. Started when we first got in Congress. The first issue we were addressing was President Bush's idea to privatize Social Security.

Now, imagine a year and a half ago if you had dumped your 401(k) or your Social Security was looking like your 401(k) and you had nothing to draw upon. That's the kind of vision we're getting from the other side of the aisle. We're talking about tax cuts for small businesses and individuals so that employers can provide health care and jobs. That's what this is about. Our friends on the other side did not act. They led to what is happening here today, and we have got the consequences of their inaction that we're forced to deal with today.

We have got a lot of issues to talk about. This is not going to be the last time we're on the floor. We're going to be here all week talking about these issues. But, again, our government has a moral mission, a moral responsibility to protect our citizens and to empower our citizens. This health care reform bill is about protecting our citizens. It's not about government-run; it's not about insurance-run. That's a false debate. This is about making sure that doctors and patients and families make their own health care decisions. That's what this is about.

This is about making sure that seniors have an extended Medicare program by making sure we rid it of waste, fraud, and abuse. This is making sure that our seniors have prescription drug programs. This is making sure that our government protects individuals from the practices of the insurance company, being denied a preexisting condition; that we protect our citizens from, when they get sick, their insurance company says to them, We can't cover you any more. That's what this reform bill is about. And those protections will empower and stimulate and allow the American people to express their talents in the marketplace.

How many business people are going to have more money in their pocket to reinvest back into their business, into the technology, into the capital improvements? How many families are going to have more money to send their kids to college, to go on a family vacation, to make sure their kids can go to graduate school? How many people who are locked into jobs now and fear starting their own business are out there? We don't know. It's a hard thing to quantify. But there are thousands of them. Who's the next Bill Gates who has a spouse that maybe has a preexisting condition so they're stuck in a cubicle somewhere and can't start their own business? How many children in our country have been denied health insurance because they have a preexisting condition? How many people are in a hospital right now, right now, because they didn't get the proper health care that they needed? And so their problems, their issues, their

health concerns got worse and they ended up in the hospital.

We have a moral obligation to step up to bat and to make this happen. This reform bill is a good piece of legislation. And I recognize that there are some outlets, some people who want to maybe not be quite as straightforward with the facts that are presented here in this bill, and they want to touch upon those same issues of abortion and immigration, all the issues that have been addressed in this bill. When you have 25 national pro-life Catholics and Evangelicals organizations endorsing this bill, when you have the Catholic Hospital Association endorsing this bill, you can honestly say that the abortion issue has been taken care of and that this is a pro-life bill. Because the idea of pro-life is very broad and should have a very broad interpretation. Quality of life, shortened life spans, those are pro-life issues. Shortened and reduced quality because they don't have the proper health care, those are pro-life issues.

Freedom to invest in your business, start your own business, those are issues that our Founding Fathers talked about a great deal.

□ 2340

So we do have a moral obligation to pass this piece of legislation. When we pull out all of the parts of this bill, you will see that the American people support this. And the American people want this legislation. Here it is. I will read them real quickly. They would be more likely to support the reform if it has tax credits—these are all issues that are in here—if it has tax credits to small businesses, 73 percent more likely to support; if it has insurance exchanges, 67 percent more likely to support; if you can keep what you have, which is exactly how this is set up, 66 percent more likely to support the reform; if you ban preexisting conditions and denials, 63 percent; Medicaid expansion, 62 percent; dependent coverage through 26 years old, 60 percent; close the Medicare doughnut hole, 60 percent; subsidy assistance to individuals, 57 percent. These are all things that are in the bill. These are all things that are in the bill and are all the reasons why we need to pass it.

This is a basic human rights issue. This will be the most significant pro-life piece of legislation that has passed this House in a long, long time. This will be the most historic piece of legislation that has passed this House in a long, long time.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. BACA (at the request of Mr. HOYER) for March 12 on account of business in the district.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of illness caused by food poisoning.

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. WOOLSEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

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

Mr. POE of Texas, for 5 minutes, March 22.

Mr. JONES, for 5 minutes, March 22.

Mr. LINCOLN DIAZ-BALART of Florida for 5 minutes, today and March 16, 17, and 18.

Mrs. CAPITO, for 5 minutes, March 16.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 16, 2010, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

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

6584. A letter from the Executive Director, Securities and Exchange Commission, transmitting Final Commission's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Release Nos.: 34-61003, IA-2950, IC-28997; File No. S7-09-07] (RIN: 3235-AJO6) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6585. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6586. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2009-0020; Internal Agency Docket No. FEMA-8105] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6587. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes In Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6588. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket No.: FEMA-2008-0020] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6589. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8107] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6590. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6591. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8119] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6592. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility for Failure To Maintain Adequate Floodplain Management Regulations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8117] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6593. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8115] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6594. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8103] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6595. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding Disclosure Related to Climate Change [Release Nos.: 33-9106; 34-61469; FR-82] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6596. A letter from the General Counsel, Corporation For National and Community Service, transmitting the Corporation's final rule — Serve America Act Amendments to the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 (RIN: 3045-AA50) received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6597. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6598. A letter from the Senior Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — MARITEL, INC. and MOBEX NETWORK SERVICES, LLC Petitions for Rule Making to Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees [WT Docket No. 04-257] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6599. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 01-10 informing of an intent to sign a Memorandum of Understanding with Australia; to the Committee on Foreign Affairs.

6600. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to License Exception GOV to Provide Authorization for Exports and Reexports of Commodities for Use on International Space Station (ISS) [Docket No.: 0812241645-91422-01] (RIN: 0694-AE52) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6601. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6602. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from Speaker Ahmed Fathy Sorour of the Egyptian People's Assembly; to the Committee on Foreign Affairs.

6603. A letter from the Chairman, Federal Election Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's Report to Congress on FY 2009 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

6604. A letter from the Administrator, General Services Administration, transmitting the Administration's Alternative Fuel Vehicle program report for FY 2009; to the Committee on Oversight and Government Reform.

6605. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Annual Report on the Administration of the Government in the Sunshine Act for Calendar Year 2009; to the Committee on Oversight and Government Reform.

6606. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2009, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

6607. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1256 Contracts Marked to Market (Rev. Rul. 2010-3) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6608. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-20] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6609. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2010-18) February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6610. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2010-17) received February 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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 Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, and Mr. DANIEL E. LUNGREN of California):

H.R. 4842. A bill to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes; to the Committee on Homeland Security.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 4843. A bill to amend title 32, United States Code, to authorize the Secretary of Defense to cover a larger share of expenses under the National Guard Youth Challenge Program in the case of a State program during its first three years of operation; to the Committee on Armed Services.

By Mr. BOUSTANY (for himself and Mr. STUPAK):

H.R. 4844. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, 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. CROWLEY:

H.R. 4845. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide housing loan benefits for children of members of the Armed Forces and veterans who die from service-connected disabilities; to the Committee on Veterans' Affairs.

By Mrs. MCCARTHY of New York (for herself, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. RICHARDSON, and Ms. BORDALLO):

H.R. 4846. A bill to authorize the Secretary of Health and Human Services to conduct programs to screen adolescents, and educate health professionals, with respect to bleeding disorders; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4847. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 4848. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on corporations that make certain education contributions; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. WOLF, Mr. MORAN of Virginia, Mr. FORBES, Mr. SCOTT of Virginia, Mr. PERRIELLO, and Mr. WITTMAN):

H. Res. 1182. A resolution congratulating Radford University on the 100th anniversary of the university; to the Committee on Education and Labor.

By Mr. QUIGLEY (for himself and Mr. COOPER):

H. Res. 1183. A resolution expressing the sense of the House of Representatives that public debt as a share of gross domestic product should be stabilized at not more than 60 percent by 2018; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

244. The SPEAKER presented a memorial of the House of Representatives of the State of South Dakota, relative to House Concurrent Resolution No. 1008 urging the Congress to oppose current energy and climate legislation; jointly to the Committees on Energy and Commerce, Foreign Affairs, Financial Services, Science and Technology, Education and Labor, Transportation and Infrastructure, Natural Resources, Ways and Means, and Agriculture.

ADDITIONAL SPONSORS

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

H.R. 39: Mr. DOGGETT and Mr. YARMUTH.
H.R. 40: Mrs. CHRISTENSEN.
H.R. 205: Mr. TIAHRT.
H.R. 208: Mr. KING of Iowa and Mr. MCHENRY.
H.R. 426: Mr. REHBERG.
H.R. 460: Mr. ROSS.
H.R. 476: Ms. JACKSON LEE of Texas.
H.R. 510: Mr. HEINRICH.
H.R. 690: Mr. SALAZAR, Mr. CLEAVER, and Mr. CHILDERS.
H.R. 959: Mr. FOSTER, Mr. KRATOVIL, Mr. ADLER of New Jersey, Ms. MARKEY of Colorado, Mr. MICHAUD, Mr. PETERS, Mr. MURPHY of New York, Mr. ROONEY, Mr. DONNELLY of Indiana, Ms. GIFFORDS, Mr. KAGEN, Mr. ARCURI, Mr. MINNICK, Mr. ISRAEL, Mr. WILSON of Ohio, Mr. EHLERS, Mrs. EMERSON, Mr. LANCE, Mr. UPTON, and Mr. THOMPSON of Pennsylvania.
H.R. 1074: Mr. CHANDLER, Mr. BLUNT, and Mr. BOUCHER.
H.R. 1175: Mrs. DAHLKEMPER.
H.R. 1230: Mr. MAFFEI.
H.R. 1310: Mr. FOSTER.
H.R. 1362: Mr. GINGREY of Georgia.
H.R. 1384: Mr. ROE of Tennessee.
H.R. 1431: Mr. FORBES.
H.R. 1443: Mr. LEWIS of Georgia, Mr. FILNER, and Ms. PINGREE of Maine.
H.R. 1478: Ms. JACKSON LEE of Texas.
H.R. 1549: Mr. LEVIN.
H.R. 1744: Mr. LUCAS, Mr. KIND, Mr. CHILDERS, Mr. ROGERS of Kentucky, Mr. OLSON, Mr. GUTHRIE, and Mr. LATHAM.
H.R. 2000: Mr. INSLEE and Ms. WATERS.
H.R. 2067: Mr. MURPHY of Connecticut and Mrs. DAVIS of California.
H.R. 2105: Mr. BISHOP of Georgia, Mr. COLE, and Mr. LEE of New York.
H.R. 2119: Mr. TIAHRT.
H.R. 2149: Mr. TONKO.
H.R. 2251: Mr. POSEY.
H.R. 2377: Ms. JACKSON LEE of Texas, Mr. SOUDER, and Mrs. NAPOLITANO.
H.R. 2378: Mr. DENT.
H.R. 2421: Mrs. KIRKPATRICK of Arizona.
H.R. 2672: Mr. KISSELL.
H.R. 2746: Ms. FUDGE, Mr. GARAMENDI, and Mr. DAVIS of Illinois.
H.R. 2859: Ms. ZOE LOFGREN of California.
H.R. 2866: Mrs. CAPPS.
H.R. 3077: Mr. MCDERMOTT and Mrs. CAPPS.
H.R. 3125: Mr. VAN HOLLEN.
H.R. 3286: Mr. LYNCH, Mr. KING of New York, Mr. FILNER, Mr. PAYNE, Ms. NORTON, Mr. CARNEY, and Mr. KAGEN.
H.R. 3315: Ms. HIRONO and Mr. ELLISON.
H.R. 3328: Ms. FUDGE.
H.R. 3438: Mr. FLEMING and Mr. MARCHANT.
H.R. 3577: Mr. TAYLOR.
H.R. 3656: Mr. SOUDER.

H.R. 3670: Mr. TONKO.
H.R. 3671: Mr. FOSTER.
H.R. 3712: Mrs. MILLER of Michigan, Mr. ISSA, Mr. MINNICK, Mr. YOUNG of Alaska, and Mr. DAVIS of Kentucky.
H.R. 3734: Ms. WOOLSEY.
H.R. 3765: Mr. KING of Iowa.
H.R. 3787: Mr. BOSWELL.
H.R. 3790: Mr. CAPUANO, Ms. VELÁZQUEZ, and Mr. WEINER.
H.R. 3974: Ms. SPEIER, Mr. GERLACH, Mr. SCHIFF, and Mr. FRANK of Massachusetts.
H.R. 3989: Mr. HONDA.
H.R. 3995: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. TSONGAS.
H.R. 4021: Mr. MOORE of Kansas, Mr. HARE, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Ms. WOOLSEY.
H.R. 4051: Mr. MICHAUD and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4068: Mr. TANNER.
H.R. 4109: Mr. SIRES.
H.R. 4128: Mr. MILLER of North Carolina and Mr. NADLER of New York.
H.R. 4147: Mr. PASCRELL.
H.R. 4214: Mr. BECERRA, Mrs. CAPPS, Ms. ESHOO, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCKEON, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SHERMAN, and Mr. THOMPSON of California.
H.R. 4241: Mr. TONKO and Mr. WAMP.
H.R. 4324: Mr. ROTHMAN of New Jersey and Mr. GORDON of Tennessee.
H.R. 4374: Mr. FOSTER.
H.R. 4393: Mr. LEE of New York and Mr. PIERLUISI.
H.R. 4400: Mr. JOHNSON of Georgia.
H.R. 4403: Mr. TAYLOR.
H.R. 4463: Mr. HERGER.
H.R. 4502: Mr. KIND.
H.R. 4530: Mr. CLEAVER and Mr. COHEN.
H.R. 4564: Mr. KAGEN.
H.R. 4592: Mr. LUJÁN.
H.R. 4598: Mr. DAVIS of Illinois and Mr. GARAMENDI.
H.R. 4616: Mr. JOHNSON of Georgia, Ms. RICHARDSON, and Ms. JACKSON LEE of Texas.
H.R. 4677: Mr. WATT, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. CAPUANO, Ms. KAPTUR, Ms. LINDA T. SÁNCHEZ of California, Mr. MAFFEI, and Ms. SCHAKOWSKY.
H.R. 4689: Mr. GRIJALVA, Mrs. DAHLKEMPER, Mr. FILNER, Mr. SCOTT of Georgia, and Mr. CARNEY.
H.R. 4692: Mr. DEFAZIO.
H.R. 4710: Mrs. DAHLKEMPER and Mr. CARNAHAN.
H.R. 4722: Mr. MARKEY of Massachusetts, Mr. SIRES, Mrs. DAVIS of California, Ms. GIFFORDS, and Mr. MCGOVERN.
H.R. 4733: Mr. CONYERS, Mr. ISRAEL, Ms. BERKLEY, Ms. SHEA-PORTER, and Mr. COHEN.
H.R. 4755: Mr. PETRI.
H.R. 4806: Mr. KENNEDY.
H.R. 4807: Mr. BURTON of Indiana, Ms. FOXX, and Mr. LOBIONDO.
H.R. 4812: Mr. SCOTT of Virginia, Mr. COHEN, Mr. MCGOVERN, Mr. MCDERMOTT, Ms. NORTON, Ms. FUDGE, and Mr. MEEKS of New York.
H.R. 4825: Mr. HODES and Mr. KIND.
H.R. 4833: Mr. POLIS.
H. Con. Res. 244: Mr. SHADEGG, Mr. ROE of Tennessee, Mr. TIM MURPHY of Pennsylvania, Mr. WESTMORELAND, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HARPER, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. WHITFIELD, Mr. DEAL of Georgia, Mr. DAVIS of Kentucky, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. THOMPSON of Pennsylvania, Ms. ROS-LEHTINEN, Mr. BROUN of Georgia, Mr. MACK, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. LINDER, Ms. BERKLEY, Mr. BOUSTANY, Mr. CAMPBELL, and Mr. BURGESS.
H. Res. 22: Mr. ENGEL and Ms. KILROY.
H. Res. 173: Mr. BISHOP of Georgia.
H. Res. 213: Mr. CONYERS, Ms. MCCOLLUM, Ms. KAPTUR, and Ms. JACKSON LEE of Texas.
H. Res. 252: Mr. GARY G. MILLER of California and Mr. GEORGE MILLER of California.
H. Res. 516: Mr. BARTLETT.
H. Res. 763: Mr. WILSON of South Carolina.
H. Res. 947: Mr. BISHOP of Georgia and Mr. KENNEDY.
H. Res. 977: Mr. STEARNS.
H. Res. 988: Mr. STEARNS.
H. Res. 1040: Mr. ISSA.
H. Res. 1060: Ms. WASSERMAN SCHULTZ.
H. Res. 1099: Mr. WAMP.
H. Res. 1116: Mr. SOUDER and Ms. TSONGAS.
H. Res. 1139: Mr. FLEMING, Mrs. LUMMIS, Mr. HENSARLING, Mr. BISHOP of Utah, and Mr. OLSON.
H. Res. 1141: Ms. WASSERMAN SCHULTZ, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Ms. HERSETH SANDLIN, Mr. CONYERS, and Mr. HONDA.
H. Res. 1148: Mr. MORAN of Virginia and Mr. SCHRADER.
H. Res. 1157: Mr. RYAN of Ohio and Ms. MATSUI.
H. Res. 1158: Mr. LATOURETTE, Ms. SCHWARTZ, and Mr. REYES.
H. Res. 1174: Mr. BAIRD, Mr. BRALEY of Iowa, Mr. CLEAVER, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. HALL of New York, Ms. JACKSON LEE of Texas, Mr. KILDEE, Mrs. LOWEY, Mr. NADLER of New York, Mr. PAYNE, Mr. PETERSON, Mr. PRICE of North Carolina, Mr. SERRANO, Ms. SLAUGHTER, Ms. SUTTON, Mr. VAN HOLLEN, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. COURTNEY, Mr. PALLONE, Mr. RANGEL, Mr. DONNELLY of Indiana, Mr. ELLSWORTH, Mr. COOPER, Mr. LARSEN of Washington, Mr. COSTA, Mr. GARAMENDI, Mr. MOLLOHAN, Mr. SARBANES, and Mr. TONKO.
H. Res. 1181: Mr. CANTOR and Mr. BURTON of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H. Res. 1177: Mr. SIMPSON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

110. The SPEAKER presented a petition of Wilton Manors City Commission, Florida, relative to Resolution No. 3508 congratulating the President on his award of the Noble Peace Prize; which was referred to the Committee on Foreign Affairs.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, MONDAY, MARCH 15, 2010 No. 37

Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, today inspire and encourage our lawmakers to do the work of justice and mercy so that all citizens will be bound together in respecting one another. Give our Senators an awareness of this Nation's rich diversity and heritage as well as the mutual goals that unite us as a people.

Lord, lead us all away from any self-sufficiency that makes us not feel our need for Your redeeming and refreshing grace. And Lord, we praise You for Your healing mercies that have been felt by our leader's wife and daughter, Mrs. Landra Reid and Lana.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

OUTPOURING OF SUPPORT

Mr. REID. Mr. President, last Thursday my wife was involved in a violent car accident.

We often say this Senate is a family. I am reminded of it time and time again when both triumph and tragedy unite us. Over the past few days, I learned all over again just how close, how genuine, how meaningful that family is. The tremendous outpouring of support for my wife and daughter from people across Nevada and the Nation and from my Senate family has deeply touched all of us. We have received literally hundreds and hundreds of e-mails and phone calls. We very much appreciate all the thoughts for Landra and every prayer on her behalf. The kindness and concern are overwhelming and really humbling.

It really was a close call, but we are grateful it wasn't worse, and we are confident she will be making a full recovery. It won't be tomorrow or the next day, but she will be back on her feet as soon as she can. My wife Landra and I have been married for 50 years. She is the strongest and most selfless person I know. If anyone can recover, it is she.

Before we begin this week's work, I wish to say to my Senate family and all of those watching: Thank you very much.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each. Following morning business, the Senate will resume consideration of the House message on H.R. 2847, the HIRE Act or the Jobs I bill. At 5:30 p.m., we will have a cloture vote on the motion to concur in the House amendments with respect to that bill.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SPEEDY RECOVERY

Mr. MCCONNELL. Mr. President, let me first say to my good friend from Nevada how good it is to hear such a positive report on Landra's recovery. We are all grateful that hopefully she will be home sometime soon and on her way to a speedy recovery.

HEALTH CARE

Mr. MCCONNELL. Mr. President, the debate over health care continues, and this week all eyes are on the House. All we hear about is the arm-twisting and the horse-trading going on over there behind the scenes—the mad dash ahead of the big vote—and once again Americans just can't believe what they are hearing.

Behind all of these stories is a simple truth: Democratic leaders are doing everything they can to convince a handful of lawmakers that they should vote for a bill they don't really like and which their constituents overwhelmingly oppose. They are scrambling to get these wavering House Members to vote for a bill which claims to be reform but which promises to lead to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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higher health care costs, higher insurance premiums, and a vast expansion of government's role in our daily lives. They are pulling out all the stops. They are doing everything they can to jam this bill through, and they don't even seem to care anymore about how ugly it all looks.

What we are seeing is nothing more than a replay of the same revolting process Democrats used to pass this bill in the Senate, a process that completely outraged the public. The same deals they used to get this bill through the Senate are back. As if voting on these deals the first time wasn't bad enough, Democrats in the House are now getting ready to vote for them again. Every one of the deals that were so revolting to the American people will still be in the bill House Members are expected to vote on later this week. That means that anybody who votes for this bill will be voting in favor of the special deals that were put there for no other reason than to sway votes.

A handful of Democrats have stood up in opposition to these deals and this entire process. One longtime Democratic Congressman said last week that he won't be voting for the bill as a result of the deals. Here is what he had to say. This Democratic Congressman said:

> I reject unequivocally the unsavory deal making that took place in the Senate where Nebraska, Florida, and Louisiana obtained special benefits that do not apply to the other States and those special benefits provided to those States at the expense of the residents of all other States. I simply cannot support legislation that contains those unwarranted giveaways to a select few States at the expense of others.

That was a Democratic Member of the House of Representatives.

But others are keeping quiet. They are still on the fence. That is why this week's vote promises to be even uglier than the last one, because this bill goes beyond things such as the ''Cornhusker kickback'' and the ''Louisiana purchase'' and the ''Gator aid.''

I was disappointed to see the White House reverse itself over the weekend and endorse many of these sweetheart deals after the President said he would try to have them removed. Apparently, they determined that removing the deals might jeopardize efforts to pass the bill. So now the White House says it won't object to all of the special deals, just some of them. The White House says it won't object to all the special deals, just some of them. What that means, of course, is that some Senators and House Members are getting special deals on top of special deals.

But that is not all the White House is willing to do to jam this bill through. According to press reports, it is also promising to raise campaign cash for House Members who vote for the House bill. We read in one of the papers today that the White House is openly signaling that those lawmakers will go to the top of the list for fundraisers and Presidential visits ahead of the November elections. So if press accounts are accurate, lawmakers who support the bill are being told they get repaid with Presidential visits and big-money fundraisers from the President or the Vice President—vote for the bill and you get a special visit for your reelection campaign.

We also read this morning in the Politico Pulse that the drug lobbyists were here in the Capitol over the weekend huddling with Democratic staffers to make sure their interests would be protected in the final bill.

This is precisely the kind of thing Americans rebelled against after the last vote on this bill. This debate should be about the substance of a bill that would restructure one-sixth of our economy and the direction Americans want to go in as a country, not how much money such-and-such Senator or Congressman needs in order to vote for it.

It is especially disappointing that this particular White House is supporting all this. After the ''Cornhusker kickback'' and the other special deals, the administration had an opportunity to distance itself from this process, to hit the reset button, and to work toward a bill Americans could be proud of. Unfortunately, in its desperation to force this bill through, the White House is reverting to the anything-goes approach, and the result is predictable: Americans won't like this bill any more than they liked the last one. They have issued their verdict about this bill and this process. They don't like either one. And once again, the only people who don't seem to get it are the Democrats here in Washington.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona.

HEALTH CARE

Mr. KYL. Mr. President, I wish to pick up on the comments of my colleague, the Republican leader.

There is another distressing story in the paper today reported by the Associated Press. They report that all of the special deals that last week the President said he was going to try to remove from the legislation, now—except for the ''Cornhusker kickback''—they are going to leave them in there because they need the votes. If that is correct, this process is even sicker than we thought it was.

Part of the reason for the Democratic leadership using the reconciliation provision to fix the Senate bill was to take all of these special provisions out, but now it appears, according to the Associated Press, that they are going to be kept in there because they need the votes.

Let me detail what a couple of these are. Last week, there was a story in Politico that detailed six specific items. Of course, there was the ''Cornhusker kickback'' that got such bad publicity and everybody agreed it had to go, including the Senator who voted for the legislation after he was promised that in his State there would be no cost for the coverage of additional Medicaid patients. Now that is apparently going to be ''fixed,'' at great expense, I might add, to the taxpayers of the United States, but apparently unfixed are six other items, and there are more, by the way.

Quote:

> ''We have defended it and we will defend it,'' said Senator Bernie Sanders of Vermont, whose state picked up $600 million in extra Medicaid funding . . .

Again, I am quoting from a March 10 Politico story.

Second:

> In a letter to congressional leaders last week, Obama targeted the Nebraska and Florida deals for elimination. The Florida provision could also shield some seniors in California, New York, New Jersey, and Pennsylvania, according to Senator Bill Nelson's office.

This provision deals with Medicare patients. The reason it is important to me is because there are 330,000-plus Arizona seniors who have Medicare Advantage plans. These are the plans that would suffer under the legislation proposed by the President. Because they would have benefits they currently enjoy taken away from them, the seniors in all of the States are obviously complaining to their Senators. So Democrats have said: Well, OK, if seniors are upset about having these benefits taken away, then we will shield the seniors in our States who have these Medicare Advantage policies so that they don't have to give up their benefits—the biggest set of beneficiaries, and there are over 800,000 of them in the State of Florida but apparently also some in California, New York, New Jersey, and Pennsylvania. All right. Special deal for them.

If this bill, by the way, is so great, why do we have to protect our citizens from its provisions? But that is the way it works. However, my senior citizen constituents in Arizona don't get grandfathered as do those in other States. It just shows you how bad the bill policy is in the area generally that you have to protect your constituents from suffering the effects of the bill but also the bad policy that does that to the detriment of other constituencies. Apparently, now that is going to stay in the bill.

Then there was the so-called ''Louisiana purchase,'' $300 million to Louisiana. Then there was the $1.1 billion

in extra Medicaid funding to Massachusetts and Vermont. This Politico article quotes Senator PATRICK LEAHY of Vermont:

What I told Harry Reid is that Vermont does the right thing, and I don't want Vermont to be penalized for doing the right thing.

Of course, that is the kind of argument that is made in response to provisions in the bill that are bad provisions because they hurt the people in your State. But the solution is not to exempt your State's constituents from the bad effects of the bill. Don't pass the bill. It is a bad bill.

Here is a fifth example. There is a $100 million hospital grant program requested by our colleague from Connecticut, Senator DODD, ''who has acknowledged that the University of Connecticut would qualify for the money.''

Here is a sixth one that is being promoted by the chairman of the Finance Committee, Senator BAUCUS, on behalf of the residents of Libby, MT.

There is another one not mentioned here, but I am aware of it. It protects two insurance companies—Blue Cross/Blue Shield and Mutual of Omaha in Nebraska, again at the request of the Senator from Nebraska. I believe there is another company in the State of Wisconsin protected.

My point is, first, if this bill is so wonderful, why do we have to have all these separate carve-outs, special deals, for Representatives or for constituents in the States of certain Democrats in order, presumably, in the House of Representatives, to help the Speaker of the House get her vote total up to where she can actually pass the bill? Why don't we just fix the bill in the first place so none of these bad effects are visited on the constituents whom I represent, for example, or anybody else's constituents for that matter?

At a minimum, the President should follow through on his plan last week to try to get these provisions out of the bill. It turns out now that apparently this week, according to David Axlerod, during the rotations of the Sunday morning talk shows he was on, that is no longer part of the plan.

The last thing I would like to do is comment briefly on a Washington Post column by Robert Samuelson this morning.

Mr. President, I ask unanimous consent to have printed in the RECORD a Washington Post column by Robert Samuelson.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, I will briefly summarize it. The President is visiting in Ohio, I believe, today to highlight the case of a particular Ohio resident. I believe she is a breast cancer survivor. Her insurance eventually became too expensive for her to keep up. She now has a diagnosis of another disease, and the President is highlighting this type of case. I think it is important to highlight it for another reason.

I presume the President or the Senators or Representatives of Ohio are finding an alternative way to ensure she is cared for. Frequently, we have constituents come to us with situations such as this. They represent very heartrending situations, problems with which you want to deal. The real question is how to deal with it. The answer to her problem is not to pass this health care bill. There are alternatives.

For example, for those who cannot get insurance that is affordable to them because of preexisting conditions—Republicans have put ideas on the table, as have Democrats, but that is a specific kind of problem that can be solved with a specific solution rather than this entire health care bill the President is trying to sell to us.

What Robert Samuelson points out in his article is there are a lot of different situations such as this, where people who are not insured nevertheless get care. In fact, the argument is made that we need this kind of health care bill because there are too many people who are uninsured and get expensive and ineffective treatment at the emergency room. He says: ''Unfortunately it's not true.''

He quotes a study by the Robert Wood Johnson Foundation that finds that the insured population ''accounted for 83 percent of emergency-room visits, reflecting their share of the population.'' In other words, there is not a difference of who visits the emergency room and who does not depending on whether you are insured.

He goes on to say:

After Massachusetts adopted universal insurance, emergency-room use remained higher than the national average, an Urban Institute study found.

The point is, even after you get the so-called universal coverage, you do not find any difference in terms of emergency room visits. If anything, with universal coverage, you had even higher emergency room visits. His point is, and I quote Robert Samuelson:

If universal coverage makes appointments harder to get, emergency-room use may increase.

So you are not making the problem better; if anything, you are making it worse. My guess is, you are not affecting it much one way or the other. It is simply not an argument that because people who are uninsured go to the emergency room, therefore, we have to pass some kind of nationwide health care bill such as has been suggested to us.

He goes on to point out:

You probably think that insuring the uninsured will dramatically improve the nation's health.

He goes on to debunk that myth:

I've written before that expanding health insurance would result, at best, in modest health gains.

He goes on to point out that studies have validated the fact it does not make a difference one way or another.

Claims that the uninsured suffer tens of thousands of premature deaths are ''open to question.'' Conceivably, the ''lack of health insurance has no more impact on your health than lack of flood insurance.

He goes on to detail the reasons why that is so.

He concludes with this point:

Though it seems compelling, covering the uninsured is not the health-care system's major problem. The big problem is uncontrolled spending.

That is a point Republicans have been trying to make from the very beginning, to point out we ought to first focus on dealing with what is driving up health care costs. That will, if we are successful, have a positive impact on getting people insured because it will reduce the cost of insurance they have to buy or their employer is buying on their behalf.

That is what we should be focusing on rather than this rather elusive issue of coverage of the uninsured. To be sure, nobody is arguing we should not help cover the uninsured. That is not the argument we are making. The argument we are making is, it does not justify a $2.5 trillion expenditure and that, in any event, if you focus first on dealing with costs, you are going to reduce costs, which is a good thing in and of itself, and, thereby, also enhance coverage because the cost is less expensive.

Here is the penultimate paragraph in the piece. I will quote him and close. What Samuelson said is the President is:

. . . telling people what they want to hear, not what they need to know. Whatever their sins, insurers are mainly intermediaries; they pass along the costs of the delivery system. In 2009, the largest 14 insurers had profits of roughly $9 billion; that approached 0.4 percent of total health spending of $2.472 trillion.

Four tenths of 1 percent.

He goes on to say:

This hardly explains high health costs. What people need to know is that Obama's plan evades health care's major problems and would worsen the budget outlook. It's a big new spending program when government hasn't paid for the spending programs it already has.

His point is, instead of trying to make insurance companies the villain, the President should be honest about what their true cost is.

Somebody pointed out—my colleague, LAMAR ALEXANDER—if you take all the profits of all the insurance companies, it pays for 2 days' worth of health care expenditures in the country. What about the other 363 days? Nobody is defending the insurance companies, but you cannot say they are responsible for the high costs of health care in this country, since they are primarily just passing those costs on.

The bottom line is, we need to be honest and explain to the American people what we are trying to accomplish or what we should be trying to accomplish is reducing health care costs. That will have the salutary effect of making access easier for people

because they will be able to afford the insurance that now may be unaffordable for them. But the idea that the insurance companies are the reason we have the problem or that emergency rooms are used more because of the uninsured are two myths that are dispelled in this piece by Robert Samuelson.

I yield to my colleague from Oklahoma.

EXHIBIT 1

[From the Washington Post, Mar. 15, 2010]

OBAMA'S ILLUSIONS OF COST-CONTROL

(By Robert J. Samuelson)

''What we need from the next president is somebody who will not just tell you what they think you want to hear but will tell you what you need to hear.''—Barack Obama, Feb. 27, 2008

One job of presidents is to educate Americans about crucial national problems. On health care, Barack Obama has failed. Almost everything you think you know about health care is probably wrong or, at least, half wrong. Great simplicities and distortions have been peddled in the name of achieving ''universal health coverage.'' The miseducation has worsened as the debate approaches its climax.

There's a parallel here: housing. Most Americans favor homeownership, but uncritical pro-homeownership policies (lax lending standards, puny down payments, hefty housing subsidies) helped cause the financial crisis. The same thing is happening with health care. The appeal of universal insurance—who, by the way, wants to be uninsured?—justifies half-truths and dubious policies. That the process is repeating itself suggests that our political leaders don't learn even from proximate calamities.

How often, for example, have you heard the emergency-room argument? The uninsured, it's said, use emergency rooms for primary care. That's expensive and ineffective. Once they're insured, they'll have regular doctors. Care will improve; costs will decline. Everyone wins. Great argument. Unfortunately, it's untrue.

A study by the Robert Wood Johnson Foundation found that the insured accounted for 83 percent of emergency-room visits, reflecting their share of the population. After Massachusetts adopted universal insurance, emergency-room use remained higher than the national average, an Urban Institute study found. More than two-fifths of visits represented non-emergencies. Of those, a majority of adult respondents to a survey said it was ''more convenient'' to go to the emergency room or they couldn't ''get [a doctor's] appointment as soon as needed.'' If universal coverage makes appointments harder to get, emergency-room use may increase.

You probably think that insuring the uninsured will dramatically improve the nation's health. The uninsured don't get care or don't get it soon enough. With insurance, they won't be shortchanged; they'll be healthier. Simple.

Think again. I've written before that expanding health insurance would result, at best, in modest health gains. Studies of insurance's effects on health are hard to perform. Some find benefits; others don't. Medicare's introduction in 1966 produced no reduction in mortality; some studies of extensions of Medicaid for children didn't find gains. In the Atlantic recently, economics writer Megan McArdle examined the literature and emerged skeptical. Claims that the uninsured suffer tens of thousands of premature deaths are ''open to question.'' Conceivably, the ''lack of health insurance has no more impact on your health than lack of flood insurance,'' she writes.

How could this be? No one knows, but possible explanations include: (a) many uninsured are fairly healthy—about two-fifths are age 18 to 34; (b) some are too sick to be helped or have problems rooted in personal behaviors—smoking, diet, drinking or drug abuse; and (c) the uninsured already receive 50 to 70 percent of the care of the insured from hospitals, clinics and doctors, estimates the Congressional Budget Office.

Though it seems compelling, covering the uninsured is not the health-care system's major problem. The big problem is uncontrolled spending, which prices people out of the market and burdens government budgets. Obama claims his proposal checks spending. Just the opposite. When people get insurance, they use more health services. Spending rises. By the government's latest forecast, health spending goes from 17 percent of the economy in 2009 to 19 percent in 2019. Health ''reform'' would probably increase that.

Unless we change the fee-for-service system, costs will remain hard to control because providers are paid more for doing more. Obama might have attempted that by proposing health-care vouchers (limited amounts to be spent on insurance), which would force a restructuring of delivery systems to compete on quality and cost. Doctors, hospitals and drug companies would have to reorganize care. Obama refrained from that fight and instead cast insurance companies as the villains.

He's telling people what they want to hear, not what they need to know. Whatever their sins, insurers are mainly intermediaries; they pass along the costs of the delivery system. In 2009, the largest 14 insurers had profits of roughly $9 billion; that approached 0.4 percent of total health spending of $2.472 trillion. This hardly explains high health costs. What people need to know is that Obama's plan evades health care's major problems and would worsen the budget outlook. It's a big new spending program when government hasn't paid for the spending programs it already has.

''If not now, when? If not us, who?'' Obama asks. The answer is: It's not now, and it's not ''us.'' Pass or not, Obama's proposal is the illusion of ''reform,'' not the real thing.

The ACTING PRESIDENT PRO TEMPORE. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Arizona for yielding.

I ask unanimous consent that I be recognized in morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Mr. President, after weeks of the global warming scandal—and we talked about it on the floor, what happened with climategate just prior to the Copenhagen convention—I had the opportunity to visit and to uncover some of the things we had suspected were going on for a long period of time. Five years ago, I had occasion to give a speech on this floor, where I outlined, from information that had come through the backdoor to me from scientists, how bad the science was and how it had been, in fact, cooked. Then, of course, along came climategate.

After weeks of the global warming scandal, the world's first potential climate billionaire is running for cover. Yes, I am talking about Al Gore. He is under siege these days. The credibility of the IPCC is eroding, EPA's endangerment finding is collapsing, and belief that anthropogenic global warming is leading to catastrophe is evaporating. Gore seems to be drowning in a sea of his own global warming illusions. Nevertheless, he is desperately trying to keep global warming alarmism alive.

It is my understanding that tonight he is having a high-level meeting of all his global warming alarmists around the country to see how they can resurrect this issue and regroup.

Consider Gore's nearly 2,000-word op-ed piece that recently appeared in the New York Times. It is a sure-fire sign of desperation. Gore's piece was about China, solar and wind power, globalization, rising sea levels, big polluters, melting glaciers, and cap and trade. One searches in vain for any explanation of the IPCC's errors and mistakes or of Phil Jones, the former director of the Climate Research Unit. That is in East Anglia. We heard a lot about him. He was the one who was actually assembling a lot of the science—or so-called science—or creating the science, I should say, to support the position of those who believe anthropogenic gases cause global warming.

Seven years ago, I believe this month, I had occasion to study on the floor and find out that, in fact, we had spent so much time on this issue that everyone was believing this to be true. When we realized the science was not there, I made the statement that the notion that anthropogenic gases are causing catastrophic global warming is the greatest hoax ever perpetrated on the American people.

What is Gore's take on the climategate scandal? Climate scientists, he wrote, were ''besieged'' by an ''onslaught'' of hostile information requests from climate ''skeptics.'' That is it, nothing else. Even the IPCC announced last week an independent review of its process and procedures.

You see, former Vice President Gore was saying: Oh, that was nothing; that was just a few comments. I might add, one of the largest and most respected publications in the UK, which is called the UK Telegraph, said this is the worst scientific scandal of our generation.

The Atlantic Monthly, the Financial Times, the New York Times, the Chicago Tribune, Newsweek and Time and many others are saying this is a legitimate scandal and reform of the IPCC is absolutely essential. Let's keep in mind, IPCC, the Intergovernmental Panel on Climate Change, is the United Nations. They put this together back in 1988 to try to scare people into changing our policy in this country.

By the way, I mentioned Time magazine as one of the many magazines and publications that have now said, looking at climategate, this investigation

should be there. This is the same Time magazine—and I don't blame them for doing this; I would have done the same thing—that back in 1975, on the cover they had: Another Ice Age is coming, we are all going to die. A couple years ago, you might remember the last polar bear standing on the last cube of ice and it said: Global warming is coming; we are all going to die. Anyway, the publications are coming around.

When it comes to reform, openness, transparency, and peer review, when it comes to practicing good science, Gore stands alone. He wants the world to put its head in the sand and pretend nothing is happening.

It reminds me of the story of the two boy ostriches chasing two girl ostriches through the woods, and they were catching them. One girl ostrich said to the other, when they came up to a clearing: What do we do? Well, let's hide. Each of the girl ostriches stuck their heads in a respective hole, and the boy ostriches came galloping up to the clearing and one looked at the other and said: Where did the girls go?

That is what we are looking at here. They are hiding their heads in the sand. Then Gore is writing in this op-ed piece, even if all these disasters will not happen, we still have to deal with national security risks and energy independence. Of course, Gore fails to mention that the United States leads the world in technically recoverable resources of oil, coal, and natural gas. According to a recent release from a report from the Congressional Research Service, America's combined recoverable natural gas, oil, and coal endowment is the largest on Earth. America's recoverable resources are far greater than those of Saudi Arabia, China, and Canada combined, and that is without including America's absolute immense oil shale and methane hydrate deposits.

It is always kind of humorous when people say: We have to get rid of our oil and gas and our coal. Yet those are the things which we are using to generate the energy necessary to run America.

They say: Well, we have to become independent. But they want to do away with all of that. We have enough oil and gas and coal—and now nuclear, which we are expanding—to take care of our needs so we wouldn't have to be dependent upon any foreign country for any of our energy. The problem is a political problem. Democrats will not allow us to go ahead and explore our own resources and exploit them. We are the only country that doesn't do that.

Gore has to know the edifice of alarmism is starting to crumble, so he is swinging for the fences, hoping for a home run to change the game. But Gore is striking out, as he loses his support almost daily in Congress and from the American people. Let's face it; Gore's side of the argument is collapsing. He and his allies are running short on facts, and Gore's criticism of recent events rings hollow. For example, after the climategate scandal broke, Gore was asked by an online publication called Slate as to what he thought of it.

Gore's response: Well, I haven't read all of the e-mails, but the most recent one is more than 10 years old. Obviously, of course, that is not true because they go all the way up to 2009. So all he is left with is a two-pronged fork of anger and attack. Just read the New York Times op-ed piece.

By the way, I was told his op-ed piece in the New York Times was three times larger than that which they normally will receive. He wrote that those who question climate alarmism are members of a ''criminal generation.'' That is me—a criminal? Is Roger Pielke, Jr., a criminal? How about Dr. John Christy of the University of Alabama, Richard Lindzen of MIT, Chris Landsea of the National Hurricane Center? No, they haven't committed any crimes. They just want honest, open scientific debate.

I might add that thus far the only scientists who commit crimes are those at the CRU. Again, that is the collection point of all the science that the United Nations has put together in this thing called IPCC—those involved in climategate, according to findings of the UK's Information Commissioner.

The Weekly Standard recently placed Al Gore on its cover—we have that right here—showing that the emperor has no clothes. The cover story, by Steven Hayward, of the Weekly Standard is entitled, ''In Denial: The Meltdown of the Climate Campaign.''

Hayward writes a compelling narrative of climategate and its consequences. This story is a must read for anyone interested in the recent implosion of global warming alarmism.

Let me mention this: If you look at the movie ''An Inconvenient Truth,'' the one where he made, I guess, most of his money, the last sentence says, I believe: Are you willing to change the way you live?

Well, we thought that was probably a good idea, so let's put that up here. It has now been 1,009 days since we have invited Al Gore to sign this pledge. Here is what it says:

> As a believer that human-caused global warming is a moral, ethical, and spiritual issue affecting our survival; that home energy use is a key component of overall energy use; that reducing my fossil fuel-based home energy usage will lead to lower greenhouse gas emissions; and that leaders on moral issues should lead by example; therefore, I pledge to consume no more energy for use in my home, my residence, than the average American household 1 year from today.

Well, it hasn't been a year; it was 3 years ago. It was 1,009 days ago.

Then, of course, there is always the question: What if we are wrong? What if we should do something? Since the Kyoto treaty failed—and we came this close, Mr. President. You weren't in your current position at that time, but this is how close we came to actually signing on and ratifying the Kyoto treaty. We didn't do it.

Then along came Members of Congress in 2003, where we had the McCain-Lieberman bill—cap-and-trade bill—and in 2005 we had the McCain-Lieberman bill, then the Warner-Lieberman bill in 2008, we had the Boxer-Sanders bill in 2009, and now it looks as if we are going to have the John Kerry and Lindsay Graham bill that is up. What do they all have in common? It is all cap and trade.

Mr. President, I have some respect for James Hansen. But the one thing I really respect is that he has made this statement about cap and trade. He said cap and trade is a devious way of getting away from the issue. The main issue is that we have to do something about greenhouse gas emissions, anthropogenic gas, CO_2. Well, why not just go ahead and have a tax on them? There is a good reason the cap and traders don't want a tax. Because then the American people would know what it is costing them.

What is the cost of cap and trade? With any of these bills I just mentioned, it is approximately the same because cap and trade is cap and trade. You have to somehow make everyone think they are winners and everyone else is a loser. So we had the ranges come from the Wharton School of Economics, from MIT, from the CRA, and the range is always somewhere between $300 billion and $400 billion a year. Now, that is significant—$300 to $400 billion a year.

Mr. President, if you are like I am, it is kind of hard to relate to billions and trillions of dollars. So what I try to do is relate it to what it would cost the average family that pays taxes in my State of Oklahoma. How much would this cost that family? It comes out to be a little over $3,000 a year. Now, $3,000 a year is an awful lot of money.

What do we get for that? Let's get the other chart up here. I had occasion the other day to hear from Lisa Jackson, who is President Obama's Administrator of the EPA, the Environmental Protection Agency—a fine lady whom I think an awful lot of—when she was testifying before us. Now, this chart—and people are not questioning this chart's reliability—reflects what would happen: U.S. action without international action will have no effect on world CO_2. It just stands to reason. And these are the bills that have been introduced that I mentioned before—the McCain-Lieberman bill in 2003, McCain-Lieberman in 2005, Warner-Lieberman in 2008, and some of the rest of them. It reflects what would happen if we had passed those and what would happen if we don't pass them. The chart shows nothing.

I asked the question of Lisa Jackson, President Obama's Administrator of the EPA. I said: This chart up here, is this an accurate chart? In other words, to put it in plain words, to better understand it, if we were to pass—at that time it might have been the Markey bill. I am not sure which one it was, but it doesn't matter because cap and

trade is cap and trade. If we had passed that bill or any of the Senate bills we have talked about, how would that have reduced CO_2 worldwide?

Her response: Well, it wouldn't really reduce it because we are doing that unilaterally in the United States of America.

What happens when we take away our ability to have energy in America? We have to manufacture it somewhere, and they have estimated how many thousands of manufacturing jobs if we were to pass any of these bills.

Those are polar bears, by the way, and they are all smiling in case you can't see that too well, Mr. President.

We would lose our manufacturing jobs to countries such as China and Mexico and India. Right now, in China, they are cranking out two new coal-fired generating plants every week. Some people are saying: Oh, they are going to follow us and our example and start restricting their CO_2. No, they are not. They are preparing right now to be able to generate the electricity necessary as the people start coming in. So that is what is happening right now.

I would say this, though. I don't want you to feel—even though his world is crumbling, don't feel sorry for Al Gore because he is doing all right. There is actually an article that just came out—this is the National Review—at the same time a New York Times article did, and I have kind of put together things from both of them. This from the New York Times says:

Former Vice President Al Gore thought he had spotted a winner last year when a small California firm sought financing for an energy-saving technology from the venture capital firm where Al Gore is a partner. The company, the Silver Spring Networks, produces hardware and software to make the electricity grid more efficient. It came to Mr. Gore's firm, Kleiner Perkins Caufield & Byers, one of Silicon Valley's top venture capital providers, looking for $75 million to expand its partnership with utilities seeking to install millions of so-called smart meters in homes and businesses.

Mr. Gore and his partners decided to back the company, and in gratitude Silver Spring retained him and John Doerr, another Kleiner Perkins partner, as unpaid corporate advisers. The deal appeared to pay off in a big way last week, when the Energy Department announced $3.4 billion in smart grid grants. Of the total, more than $560 million went to utilities with which Silver Spring has contacts.

Wait a minute, we are talking about Silver Spring, the company with which Al Gore is connected.

Kleiner Perkins and its partners, including Mr. Gore, could recoup their investment many times over in the coming years.

Silver Spring Networks is a foot soldier in the global green energy revolution Mr. Gore hopes to lead. Few people have been as vocal about the urgency of global warming and the need to reinvent the way the world produces and consumes energy. And few have put as much money behind their advocacy as Mr. Gore and are as well positioned to profit from this green transformation if and when it comes.

Critics, mostly the political right and among global warming skeptics, say Mr. Gore is poised to become the world's first ''carbon billionaire,'' profiteering from government policies he supports that would direct billions of dollars to the business ventures that he has invested in.

Representative Marsha Blackburn, a Republican from Tennessee, asserted at a hearing this year that Mr. Gore stood to benefit personally from the energy and climate policies he was urging Congress to adopt.

Mr. Gore says that he is simply putting his money where his mouth is. ''Do you think there is something wrong with being active in business in this country?'' Mr. Gore said. ''I am proud of it. I am proud of it.''

In an e-mail message this week, he said his investment activities were consistent with his public advocacy over the decades. ''I have advocated policies to promote renewable energy and accelerate reductions in global warming pollution for decades, including all the time I was in public service.'' Mr. Gore wrote: ''As a private citizen, I have continued to advocate the same policies. Even though the vast majority of my business career has been in areas that do not involve renewable energy or global warming pollution reductions, I absolutely believe in investing in ways that are consistent with my values and beliefs. I encourage others to invest in the same way.''

Mr. Gore has invested a significant portion of the tens of millions of dollars that he has earned since leaving government in 2001 in a broad array of environmentally friendly energy and technology business ventures, like carbon trading markets, solar cells, and waterless urinals. He has also given away millions more to finance the nonprofit he founded, the Alliance for Climate Protection, and to another group, the Climate Project, which trains people to present the slide show that was the basis of his documentary ''An Inconvenient Truth.'' Royalties from his new book on climate change, ''Our Choice,'' printed on 100 percent recycled paper, will go to the alliance, an aide said.

Other public figures, like speaker Nancy Pelosi and Robert F. Kennedy, Jr., who have vocally supported government financing of energy-saving technologies have investments in alternative energy ventures. Some scientists and policy advocates also promote energy policies that personally enrich them.

As a private citizen, Mr. Gore asked not to have to disclose his income and assets, as he did—

as I do, as others do in this Chamber in his years in Congress and the White House. When he left government in 2001, he listed assets of less than $2 million, including homes in suburban Washington and in Tennessee. Since then his net worth has skyrocketed, helped by timely investments in Apple and Google, profits from books and his movie, and the scores of speeches for which he can be paid more than $100,000 . . .

a speech. I suggest now that price may be going down a little bit for Al Gore.

Mr. Gore's spokeswoman would not give a figure for his current net worth, but the scale of his wealth is evident in a single investment of $35 million in Capricorn Investment Group. . . .

It goes on and on. I ask unanimous consent to submit the rest of this for the RECORD because it is pretty good reading.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. Gore's spokeswoman would not give a figure for his current net worth, but the scale of his wealth is evident in a single investment of $35 million in Capricorn Investment Group, a private equity fund started by his friend Jeffrey Skoll, the first president of eBay.

Ion Yadigároglu, a co-founder of Capricorn, said that Mr. Gore does not sit on the fund's investment committee, but obviously agrees with the partners' strategy of putting long-term money into promising ventures in energy, technology and health care around the globe.

''Aspirationally,'' said Mr. Yadigároglu, who holds a doctorate from Stanford in astrophysics, ''we're trying to make more money than others doing the same thing and do it in a way that is superior in ethics and impacts.''

Mr. Gore has said he invested in partnerships and funds that try to identify and support companies that are advancing cutting-edge green technologies and are paving the way toward a low-carbon economy.

He has a stake in the world's pre-eminent carbon credit trading market and in an array of companies in bio-fuels, sustainable fish farming, electric vehicles and solar power.

Capricorn holds a major stake in Falcon Waterfree Technologies, the world's leading maker of waterless urinals. Generation has holdings in Ausra, a solar energy company based in California, and Camco, a British firm that develops carbon dioxide emissions reduction projects. Kleiner Perkins has a green ventures fund with nearly $1 billion invested in renewable energy and efficiency concerns.

Mr. Gore also has substantial interests in technology, media and biotechnology ventures that have no direct tie to his environmental advocacy, an aide said.

Mr. Gore is not a lobbyist, and he has never asked Congress or the administration for an earmark or policy decision that would directly benefit one of his investments. But he has been a tireless advocate for policies that would move the country away from the use of coal and oil, and he has begun a $300 million campaign to end the use of fossil fuels in electricity production in 10 years.

But Marc Morano, a climate change skeptic who until recently was a top aide to Senator James M. Inhofe, Republican of Oklahoma, said that what he saw as Mr. Gore's alarmism and occasional exaggerations distorted the debate and also served his personal financial interests.

Mr. Gore has testified numerous times in support of legislation to address climate change and to revamp the nation's energy policies.

He appeared before the House Energy and Commerce Committee in April to support an energy and climate change bill that was intended to reduce global warming emissions through a cap-and-trade program for major polluting industries.

Mr. Gore, who shared the 2007 Nobel Peace Prize for his climate advocacy, is generally received on Capitol Hill as something of an oracle, at least by Democrats.

But at the hearing in April, he was challenged by Ms. Blackburn, who echoed some of the criticism of Mr. Gore that has swirled in conservative blogs and radio talk shows. She noted that Mr. Gore is a partner at Kleiner Perkins, which has hundreds of millions of dollars invested in firms that could benefit from any legislation that limits carbon dioxide emissions.

''I believe that the transition to a green economy is good for our economy and good for all of us, and I have invested in it,'' Mr. Gore said, adding that he had put ''every penny'' he has made from his investments into the Alliance for Climate Protection.

''And, Congresswoman,'' he added, ''if you believe that the reason I have been working on this issue for 30 years is because of greed, you don't know me.''

Mr. INHOFE. ''Marc Morano, a climate change skeptic who was recently a top aide to [me], Senator James M. Inhofe, Republican of Oklahoma, said that what he saw as Mr. Gore's alarmism and occasional exaggerations distorted the debate and also served his personal financial interests.''

I say don't feel sorry for Al Gore. He is doing fine right now.

Last, on this subject, my wife and I have been married for 50 years. We have 20 kids and grandkids. They are achievers. They are great people. All 20 of them, all but 6, live within walking distance of my home in Tulsa, OK. Not many people can say that. The one who doesn't is the family of six of my daughter Molly, her husband, and four children.

It happens one of these children you can't see very well right here, Zegita Marie, actually was one we found in Ethiopia. My daughter adopted her. Molly only had three boys and always wanted a girl so she adopted this cute little girl. This little girl, by the way, is 9 years old. She is reading at college level. She came up to Washington to speak to a group I sponsor every year. It is called the African Dinner, about 400 or so of them.

Anyway, when they are up here, I say to my friend in the chair, they found, because of the global warming problem we had, we had all these snowstorms and blizzards and consequently the airport was closed and they were stuck here. What do you do with a family of six when they are stuck? They went out and built, of all things, an igloo. They are kind of engineering oriented. This is not an igloo. It sleeps four people with ice bricks and all that. On top of that they put ''Al Gore's New Home.'' It is right next to the Library of Congress. This is a picture of it. I thought that was fun.

I regret to say one of the real liberal stations, Keith Olbermann, declared my daughter's family as ''The Worst Family in America.''

One last subject here I want to address. I want to compliment Sean Hannity for something I saw last night. I happened to get in at the last of it, so I found out what this guy is up to. What he has done is he has taken—there is a lot of wasteful, stupid spending in America. He has taken 102 of the ridiculous things that we spend money on around here and he has listed them. He started several days ago.

No. 102: Protecting a Michigan insect collection from other insects—$187,00O;

No. 101: Highway beautified by fish art in Washington—$10,000.

It goes on and on.

Over those last few evenings he listed these. Last night was the last 20 of them. Let me quickly run over these in reverse order.

No. 20: Researching how paying attention improves performance of difficult tasks in Connecticut.

That was just $850,000.

No. 19: Kentucky Transportation Department awarded contracts to companies associated with the road contractor accused of bribing the previous state transportation secretary—$24 million.

No. 18: Amtrak losing $32 per passenger nationally but rewarded with windfall—$1.3 billion.

No. 17: Widening an Arizona interstate even though the company that won the contract has a history of tax fraud and pollution—$21.8 million.

I am going to submit this for the RECORD. To get on down to the last items—

No. 9: Resurfacing a tennis court in Montana—$50,000;

No. 8: University in Indiana studying why young men do not like to wear—

I will not say that.

No. 7: Funds for Massachusetts roadway construction, to companies that have defrauded taxpayers, polluted the environment, and have paid tens of thousands of dollars in fines for violating workplace safety laws

—in the millions of dollars.

No. 6: Sending 11 students and 4 teachers from an Arkansas university to the U.N. climate change convention in Copenhagen, using almost 54,000 pounds of carbon dioxide from air travel alone—$50,000.

No. 5: Storytelling festival in Utah—$15,000.

No. 4: Door mats to the Department of the Army in Texas—$14,000;

No. 3: University in New York researching young adults who drink malt liquor and smoke pot—

that is only $389,000;

No. 2: Solar panels for a climbing gym in Colorado—$157,800;

No. 1: Grant for one Massachusetts university for ''robobees''—miniature flying robot bees.

That was $2 million.

I want to ask you, Mr. President, what do you think all 102 of these projects have in common? Do you think they are congressional earmarks? A lot of people probably believe they are. They are not. The one thing they have in common is they are all done by the President, President Obama. He said back when they passed the $787 billion stimulus bill, there would not be one earmark in this bill. Everything you are looking at there was all in this bill. That was not done by Members of Congress, that was done by unelected bureaucrats.

The inconvenient truth is that we do have a problem with earmarks in America, but it is not congressional earmarks. I was distressed, the other day, last Thursday, when I saw my fellow Republicans over in the House did something they should not have done. They actually said we are going to stop, we are going to put a permanent moratorium on all earmarks that we in the Republican Party have over there.

Let's stop and think about that. One of the things people do not understand is if you kill what they call—what people think is a Congressional earmark, it does not save a penny. What happens to it, because it is part of an underlying bill, is it goes to the bureaucracies, the unelected bureaucrats, the President, President Obama. I suggest there is a serious problem with what the House did. They resolved that it is the policy of the Republican conference that no Member shall request a Congressional earmark, limited tax benefit, and so forth, all in conjunction with clause 9, rule XXI of the Rules of the House of the 111th Congress.

Let's see what that is. Clause 9 of rule XXI applies to all legislation in the House of Representatives, whether it be authorization, appropriation, tax or tariff.

That is what we are supposed to be doing here, and then said we are not going to do it. I think that is rather interesting because we all, everyone in this room who serves here—I have done it four times—takes an oath of office. In that oath of office we solemnly swear we will support and bear true allegiance to the Constitution of the United States.

Here they have come out and said we are not going to do that. This is mind boggling, that this can take place. It is something that will have to be reversed. When you go back and look at the Federalist Papers, James Madison, the father of the Constitution, made it very clear. He is the one who coined the phrase ''power of the purse.'' That is what we do here in the Constitution. In article I, section 9 it says what we are supposed to do. We are supposed to do the appropriations and spend the money that comes in. That is what we are supposed to do. That is our constitutional responsibility.

We have a serious problem in this, what they are talking about, the moratorium. I think there are some of those who want the Senate to do it. I am hoping we will not follow that course. I respect my friends over in the House but they made a mistake and we do not want to march down that same path. I think it is very important for us to understand earmarks, what they call appropriations over here; that is what an earmark is, if you want to define it. They do not save any money. That money merely goes to the bureaucracy so they can spend it. All 102 of the things I mentioned were bureaucratic earmarks. Not one of them was a congressional earmark.

We have this as a very serious problem right now. One of the reasons I have always said I do not like the idea of the earmark discussion is that people do not understand. They think they are something if you eliminate you save money. You don't save a cent. By the way, earmarks of the spending that takes place are discretionary, not mandatory spending. It constitutes 1.5 percent. I am concerned about the 98.5 percent. For that reason I have introduced a bill that is very similar to something President Obama said. Everyone rejoiced during the State of the Union Message when he stood up and said I am going to freeze nondefense discretionary spending at the 2010 level. Everyone applauded. They thought that was a great statement to make until I went back and I looked and found out that this nondiscretionary spending had increased between 2008 and 2010 by

act of this President, Obama, by 20 percent. So what he is saying is we are going to increase discretionary spending by 20 percent and then we are going to freeze it. I do not want to freeze it. I want to bring it back down. So I have taken the same bill and said we are going to freeze that at 2008 levels.

I encourage my friends, we have now about 40-some cosponsors of that legislation. That being the case, I hope we will look very carefully and consider not just what people are thinking out there but do them a great service and tell them in fact what the real issue is on earmarks.

With that, 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.

Ms. KLOBUCHAR. 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.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPORT PROMOTION

Ms. KLOBUCHAR. We have been working and focused very much in the last few weeks on the economy with our tax extender bill as well as the jobs bill we passed, and I, for one, am glad. My State is glad, because that is what I have been hearing all around my State, especially from small businesspeople who have been troubled, are having trouble getting credit. Mr. President, as someone who has worked so much on this issue, you know how important that is to the strength of our economy, as 65 percent of our jobs have come from small businesses.

Today, I would like to take a few minutes to discuss two bipartisan bills I recently introduced that I hope will do more to add to the creation of jobs, to innovation, to exports. The first one is called the Export Promotion Act of 2010, and the second is the Travel Restriction Reform and Export Enhancement Act of 2010.

Export promotion is a topic of special interest to me. I chair the Subcommittee on Competitiveness, Innovation, and Export Promotion. The Export Promotion Act is cosponsored with my good friend on the subcommittee, the Republican ranking member, GEORGE LEMIEUX, and also by Senators SHAHEEN and WYDEN, who have taken an active interest in export promotion.

We have an important national interest in promoting exports. Access to new markets can make the difference between expansion and stagnation of a new and developing business. The President recognizes this, and that is why I am pleased he called for a doubling of exports in his State of the Union speech, a doubling in the next 5 years.

One way to do this, to take this opportunity to open new markets, is going to be Cuba. A bipartisan bill I introduced with Senator ENZI, a second bill, would do just that. The bill makes it easier for American farmers to export agricultural products to Cuba—currently a closed market—by relaxing the restrictions on financial transactions between the two countries and by making it easier for American farmers to travel there to promote their products. The sponsor of the bill in the House is Minnesota Congressman and chair of the Agriculture Committee, COLIN PETERSON.

Another way to promote American exports is to make sure businesses know about the potential export opportunities available to them. Currently, the United States derives the smallest percentage of its GDP from exports compared to all other major countries. America has always been ''the world's customer,'' buying our way and in effect buying our way to huge trade deficits. But it is clear that exports will be increasingly important to our economy as people in China, India, and other developing countries gain more purchasing power and they become our potential customers. Right now, more than 95 percent of the world's customers are outside our borders. Think of it; with the growing economic power of customers in these new developing nations—I was just in India a few months ago, and you see that mass of humanity, the potential, as that country builds itself up, of people who can buy our products from all over our country. More exports will mean more business, more jobs, and more growth for the American economy.

Exports are also important for small businesses for several reasons. First and most obviously, exports allow a company to increase its sales and grow its business. Second, a diversified base of customers helps a business weather the economic ups and downs.

So there is a world of opportunity out there. I can tell you, I have seen it in my own State.

Mattracks, a company in Karlstad, MN—population 900, known as the Moose Capital of Minnesota—is a little company named after a little second-grade boy named Matt who came home and drew a picture of tank tracks on each wheel instead of going between the wheels. His dad, a mechanic, decided to build this product in his machine shop, and they now export to dozens and dozens of countries all over the world. They started with 5 employees and they are now up to 50. How did they do it? They went over to Fargo, ND, which covered this area of Minnesota, and talked to a woman named Heather at the Foreign Commercial Service Department. They went over there, and she matched them up, like a business match.com, with potential countries, from Kazakhstan to Turkey, that were interested in their product. That is how they grew their business in Karlstad, MN.

Akkerman, down by Austin, MN, really in the middle of cornfields, is a longstanding family business—different from Mattracks—where they actually do trenchless digging. They put major steel pipes underground, and they have the machinery to push those pipes underground. They can dig major trenches underground without actually digging up the landscape, without digging up the ground. They have done it in Los Angeles, but they are doing it in India. Why? Highly populated areas like digging this way; they do not have to dig up over ground to do it. Again, as you look at these countries with the kind of infrastructure they need, Akkerman is now up to 77 employees—again, in the middle of the farmland in southern Minnesota.

But for so many businesses, it is very difficult to do this because for them the world looks like one of those ancient maps that contain only the outlines of the continents and a few coastline features. But the rest of it is blank space, vast unknown and unexplored territory. They know there is something more, they know accessing these markets will help them expand their profits, open new facilities, and hire more people, but they do not really know how to find out about opportunities.

Fortunately, there is help available. There are a number of Federal programs through the Small Business Administration, the Commerce Department, and the Export-Import Bank that assist U.S. companies in promoting their products abroad. The idea here is to give that kind of help to small and medium-sized businesses so they can vet a potential customer, so they can find out what is available. They don't have a full-time trade department or full-time person looking at each continent like a company such as 3M or Cargill—very successful businesses in my home State—would have. So they need this help.

Another example: Epicurean in Duluth, a company that makes commercial and home-kitchen cutting surfaces. With 40 employees, it has customers in 45 countries. I invited Epicurean's owner, Dave Benson, to join me for this year's State of the Union Address, and he thinks we are right on track in focusing on the export market.

What does our bill do? Our bill focuses on expanding the Commerce Department programs that help these companies get the word out. It does three major things:

First, it expands the scope of existing Department of Commerce programs that help America's small and medium-sized businesses commercialize and manufacture new technologies that export abroad.

Second, it increases the people at the Department of Commerce who are responsible for identifying new export opportunities abroad and matching these markets with American companies. For the past 2 years, the program that specializes in matching small business with potential export markets has not replaced retiring officials, losing roughly 200 people since 2004 even as demand for their assistance continues to increase. This bill would restore staffing levels in this program to their 2004 levels. I talked to Secretary Locke this morning. I know he is focused on this. He is doing reshuffling of people in his own department. That is the key to this.

Finally, the legislation will expand the Commerce Department's Rural Export Initiative to ensure that small and medium-sized businesses located in rural areas know about all of the available export opportunities for them. Why is this cost-worthy? Well, look at this: a return of approximately $213 on each dollar—$213 on each dollar. That is what we are talking about here.

What we are trying to do here, Senator LEMIEUX and I, with this bill and also with our bill regarding Cuba is to open these markets and say: You know what, if we can give our small and medium-sized businesses and our farmers a little help, either getting in the door, knowing whether a customer is real, letting them know where their product is hot, what countries are interested, they are going to do the work. These are private sector jobs. Our idea here is not to create the jobs ourselves but to help them to get into these markets, to make them on an even playing field with the big businesses that already have the resources to do it.

The ability to envision creative new products and then develop them, commercialize them, and sell them has been part of the American dream as long as there has been an American dream. That spirit of innovation has gotten us everything in my State from the Post-it note to the pacemaker. Those companies—Medtronic started in a garage, and 3M started up in Two Harbors, MN, a tiny little town. Target started as a dry goods storefront on Nicollet Mall in Minneapolis, and they grew to what they were. But they can only do this now if they get that kind of help. It is no longer only America that is their market; it is India, it is Kazakhstan, it is Turkey, it is China.

So it is not as easy now to build to the point that they need to build to. That is why Senator LEMIEUX and I are introducing this bill, to assist the Commerce Department to assist these small and medium-size businesses. As we continue to fight through this economic crisis, it is important to keep the end game in mind, an end game where the United States is again the world leader in job creation by virtue of developing and selling the world's most innovative products. This bill will help us get there.

I yield the floor and 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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that I be allowed to engage in a colloquy with the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S.-ISRAELI RELATIONS

Mr. MCCAIN. Mr. President, I say to my friend, I know he has been observing in the last few days the events that have transpired in regard to the situation in Israel and the reaction of the United States to the announcement that there would be additional housing construction in areas the Israelis believe are within the boundaries that will exist once peace is settled, and that the Palestinians are of the view that it is their area—as there are many territorial disputes between the Palestinians and the Israelis, which is one of the reasons there is a compelling argument for a peace process.

I know my friend from Connecticut is disturbed, as I am, about the level of tension in the public discourse that has been going on, which cannot only not be helpful to Israeli-U.S. relations but also to the ability of Israel to deal with other tensions in the region and the existential threats they face from their neighbors who have threatened their extinction.

So I have had the great pleasure and honor of travelling to Israel on numerous occasions with my friend from Connecticut. I would state for the record that no one has a closer relationship and a better understanding of the Israeli-Palestinian situation and the urgency of the peace process.

I would just ask my friend, doesn't he think if we want the Israeli Government to act in a way that would be more in keeping with our objectives, that it does not help them to have public disparagement by the Secretary of State, by the President's political adviser on the Sunday shows? On the contrary, shouldn't we lower the dialog, talk quietly among friends, and work together toward the mutual goals we share?

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona for the question and for the opportunity to engage in this dialog on the important and troubling course of relations at this moment between the United States and Israel.

Mr. President, I ask unanimous consent that this colloquy be conducted as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

I say to my friend from Arizona what not only he knows, but what he has helped to bring about throughout his career, are two things: that the American relationship with Israel is one of the strongest, most important, most steadfast bilateral alliances we have in the world because it is not based on temporal matters—that is, matters that come and go and politics or diplomacy—it is based on shared values, shared strategic interests in the world, and, unfortunately, now on the fact that we in the United States and the Israelis are also targets of the Islamist extremists, the terrorists who threaten the security of so much of the world. So we have a strong bilateral relationship.

The second thing to say, in answering my friend's question, is that the Israelis depend, to a very large degree, on America's friendship as they approach the world. The Senator is absolutely right, without a confidence—not that everything Israel does America will support, but that underlying we are heading in the same direction, we are allies, we are friends, it is as if we are part of the same family. Without that confidence in the U.S.-Israel relationship, the Israelis will not have the confidence to take the risks necessary for peace. So the uproar over the last several days is very troubling in that regard.

Vice President BIDEN, as my friend knows, went to Israel to reset the relationship. Unfortunately, at that time, from all the Israeli Government says—I have no reason to doubt them—a bureaucratic decision was made within one department of the government, the Ministry of the Interior, to issue a permit—I gather one of seven permits necessary within the next few years for this building project to take place. It has become not just a bureaucratic mistake but a major, for the moment, source of division between our ally, Israel, and ourselves, and it does not help anyone to continue this.

I just want to say briefly to my friend because he said something most people do not know—and this is my understanding of the situation—the permits for this housing are in an area of Jerusalem that is today mostly Jewish. The Israeli Government has taken the position, however, since 1967 that anybody ought to be able to buy property and build and live in any section of Jerusalem they choose to regardless of their religion or nationality or anything else. That is a very American concept.

Secondly, this particular part of Jerusalem is, in most anybody's vision of a possible peace settlement, going to be part of Israel. A lot of Israelis believe all of Jerusalem should remain the eternal unified capital of Israel. But going to the negotiations that occurred between President Clinton, Prime Minister Barak, Chairman Arafat in 2000, which were about as detailed as any recent negotiations, this

particular neighborhood of Jerusalem, in the document that was almost accepted by Arafat, was part of Israel.

So it is not a violation of that. It is not a violation of the moratorium on new settlements that Prime Minister Netanyahu adopted, and it ought not to be—I tell you, that first wave of reaction, when Vice President BIDEN was there, I understood. He was upset. It was embarrassing. Maybe some of the words—''condemn'' was a little strong for a bureaucratic mistake. But why this continues now, including on the Sunday talk shows, with Mr. Axelrod saying it was an affront and an insult by Israel to the United States, serves nobody's good. It does not serve our interests; it does not serve Israel's interests. It helps those like the people in Tehran who want to cause difficulty throughout the region.

Mr. MCCAIN. Could I ask my colleague, shouldn't we be emphasizing what I very much appreciated? Vice President BIDEN—and I quote him—said:

> In my experience one necessary precondition for progress [toward peace in the Middle East] is that every time progress is made, it's made when the rest of the world knows there is absolutely no space between the United States and Israel when it comes to security, none.

I thought the Vice President had it exactly right, and as the Senator says: Look, mistakes are made. It is a government in Israel which is sometimes interesting to watch, particularly when you watch the proceedings in the Knesset, the parliamentary proceedings.

But somehow it seems that the rhetoric has escalated and maybe given the impression to the wrong people—the neighbors of Israel who have stated time after time they are bent on Israel's extinction; the statements by Ahmadinejad that he wants to ''wipe Israel off the map''—and that perhaps there may be sufficient space, as the Vice President pointed out, that they could exploit that in a way that would be harmful to the State of Israel. I know that was not the intention of the President's political adviser on Sunday, and it is not the intention of the Secretary of State. But the Secretary of State knows the Israelis very well. She has had dealings with all of the countries in the region. She is very knowledgeable and experienced.

I hope all of us would realize, let's lower the rhetoric. Let's try and fix the problems that exist amongst the close friends we are rather than escalate the tensions that exist in a very dangerous time.

The Senator from Connecticut and I were recently briefed about perhaps increased tensions in southern Lebanon, the possibility of attacks from southern Lebanon into Israel, the continued nuclear buildup on the part of the Iranians, the continued statements of assertiveness by the President of Syria, al-Assad.

There are increased tensions in the region, and this is not the time—certainly, most importantly, not the time—that we give the impression that there is such differences between ourselves and Israel that it could be exploited by Israel's enemies.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. I agree totally with what he said. I think it is very important the Senator from Arizona has gone to the speech that Vice President BIDEN made. I believe it was on Wednesday of last week in Tel Aviv at Tel Aviv University.

What is interesting is, that speech came after the first date he was there. When this bureaucratic announcement of housing permits being issued in Jerusalem was made, Vice President BIDEN put out a statement condemning that action. I understand why he was upset by it, that it had been happening when he came. Prime Minister Netanyahu outright apologized in public for it. He said he is appointing a review committee to look at how it happened so they could set up a mechanism within the Israeli Government so a decision such as that would not be made, if I understood what their intention is, without the Prime Minister's office being notified. Then Vice President BIDEN made quite an important speech at Tel Aviv University.

The Senator from Arizona is absolutely right. The Vice President said the relationship between the United States and Israel is unbreakable, and there is no space between us. When there is space between us, it only helps our shared enemies, not the two of us, the two great democracies.

Vice President BIDEN also made clear that while we are committed to the Israeli-Palestinian peace process, it is very important for both—and Prime Minister Netanyahu has too. He has taken his Likud Party to a place it has never been before. In a speech he gave at Bar-Ilan University, he said for the first time, very clearly, as the Likud Prime Minister, that he supports the two-state solution: two countries, two peoples side by side. Then he issued that moratorium on settlement expansion in a whole series of areas which Secretary Clinton, in an earlier visit, described as unprecedented.

Then we go to the Vice President's speech. There, he focuses on Iran and the threat of a nuclear Iran, the threat of an Iran that suppresses the rights of its people, and he says not only is Iran explicitly a threat to Israel—as Ahmadinejad has said, threatening Israel's existence—Vice President BIDEN made very clear our concern about an Iranian nuclear weapon is not because of what Ahmadinejad said about Israel, although, obviously, that concerns us; it is because a nuclear, autocratic, tyrannical, totalitarian Iran threatens the short-, medium-, and long-term security of the United States of America.

After that speech, I thought this whole business about the permits for housing was over. Yet then the State Department spokesman comes out on Friday with very strong language about the phone conversation with the Secretary of State whom, of course, the Senator from Arizona and I not only respect but like very much. She is our friend, our colleague. She has a long record of support for the United States-Israel relationship. But Friday afternoon's press statement seemed to be dredging up again something that seemed to have been calmed and ought to be calmed.

The Senator from Arizona is absolutely right. I take it that is the point the Senator is making: There is too much that ties us together with Israel, too much on the line for both countries, to continue to make a mistake, for which the Prime Minister of Israel has apologized, into a division between two great allies.

Mr. MCCAIN. Mr. President, wouldn't my colleague agree that the original purpose of the Vice President's trip, as I understand it, was a precursor or even an announcement of indirect talks between the Palestinians and the Israelis, using the good auspices of Senator George Mitchell? So the trip was a signal to the world that the process of peace between Israelis and the Palestinians was on track, and a beginning, albeit a modest one, was taking place.

So it might be good if our friends in the administration—and other places in the United States—could start refocusing our efforts on the peace process, which came very close to the beginning—again, modest, indirect but still beginning—of peace talks and emphasize the need to commence those, assure our Arab friends in the region of our commitment to the Palestinian-Israeli peace talks, and move forward in that direction. We need to understand that the Prime Minister of Israel has apologized and is trying, as the Senator from Connecticut pointed out, to put a mechanism in place to make sure that an incident of this nature would not arise again.

So we could go back—I will not—and be very critical of the Obama administration's initial demand of a complete freeze of settlements which was, in my view, an unnecessary precondition and an impediment, but that is done also. So now we have had our spat, we have had our family fight, and it is time for us to now stop. We have to get our eye back on the goal, which is the commencement of Israeli-Palestinian peace talks, and move forward with that—and I know the Senator from Connecticut shares my view—particularly with the leadership we are seeing on the Palestinian side. The chances for fruitful negotiations are better than they have been since the time the Senator from Connecticut cited back when President Clinton had Arafat and Ehud Barak to Camp David.

Mr. LIEBERMAN. Mr. President, I agree totally with my friend. Let's cut the family fighting, the family feud. It is unnecessary, and it is destructive of our shared national interests, the

United States and Israel, and it takes our eye off the two balls we have to focus on. One is the Israeli-Palestinian peace process and the other is the threat of a nuclear Iran, which is not only a threat to us and Israel, it is a threat to Palestinian leadership because Iran is the No. 1 supporter of Hamas, which is the foremost antagonist to the leadership of the Palestinian Authority.

The Senator from Arizona is absolutely right. Peace between the Israelis and the Palestinians requires very difficult, delicate negotiations. But we are at a moment—and my friend and I were together in Israel and the Palestinian areas in January of this year and we met with the leadership. It is an interesting moment, because in both countries the economy is doing pretty well. The Palestinians have seen a real surge in economic growth. Security is better on both sides. We have leadership on both sides: Netanyahu in Israel and the President of the Palestinian Authority, Abu Mazen, and Prime Minister Salam Fayyad. We have three leaders there committed to the two-state solution, renouncing terrorism, a peaceful process. If, for some reason, people in the American Government continue this dispute, frankly, it makes it hard for not just the Israelis but the Palestinians to get into the peace process because we can't be more demanding than they are, if you will. I think Abu Mazen and Salam Fayyad want to move the peace process forward, I am convinced, as Prime Minister Netanyahu said.

So it is time to lower voices and get over the family feud between the United States and Israel. It doesn't serve anybody's interests but our enemies: George Mitchell—I will say it here—is a saint. Whoever the saint of patience is, George works under that saint's aegis. Through his patience and persistence, the proximity talks between Israel and the Palestinian leadership are about to begin, and they have the prospect of making some real progress.

Mr. McCAIN. Mr. President, I thank my friend from Connecticut.

I rise today to address the very concerning, and unfortunately very public, tensions that have broken out recently between the governments of the United States and Israel. I am not here to take sides or to call out one party at the expense of the other. There have been enough accusations, recriminations, and bad blood.

I certainly understand the anger felt by members of the U.S. administration that the announcement of new settlement construction in East Jerusalem by Israel's Interior Ministry simply seemed intended to embarrass Vice President BIDEN in the middle of his visit. I can also understand the anger felt by Israelis that the U.S. reaction to this announcement has been out of step with the announcement itself. At this point, there is little to be gained by either side by focusing on their anger, however justified they feel it is. It is now time to focus on what matters most: the common interests we share, the urgent need for cooperation between us, and the large capacity within our alliance to move beyond differences and work together.

Vice President Biden spoke to exactly these themes in his excellent speech in Tel Aviv during his recent visit to Israel—a speech, I would add, that was delivered 2 days after the Interior Ministry's announcement. Perhaps the most correct and important thing the Vice President said was this: ''In my experience one necessary precondition for progress toward peace in the Middle East is that every time progress is made, it's made when the rest of the world knows there is absolutely no space between the United States and Israel when it comes to security, none.'' This is absolutely correct, and we all need to remember it right now.

We now have a conservative Israeli leader who is committed to the goal of two States for two peoples, living side by side in peace and security. We have a leadership in the Palestinian Authority that is committed to beginning negotiations while also building the institutions of a democratic Palestinian state, including effective security forces that can enforce the rule of law and fight terrorism. We have a U.S. administration, and U.S. Congress, that is committed to being engaged in and supportive of the pursuit of peace in the Middle East.

So let us focus on the opportunity we have, the United States and Israel together, as historic allies, to achieve goals that serve both our interests. The United States is completely committed to Israel's security, so Israel can feel totally confident in taking on the large and difficult decisions that peace requires. As the Vice President said, there should be no space between these allies—none.

Mr. President, 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

SUPERFUND SITES

Mr. NELSON of Florida. Mr. President, the House is on my mind right now, since the House seems to have something important going on with regard to something known as health care reform and health insurance reform. We are waiting expectantly to hear information that the House will get the votes together and pass the Senate-passed bill on health reform that we passed on Christmas Eve.

But I came to speak about another subject today, something I voted on when I was a young Congressman, way back in 1980, and that something was known as the Clean Water and Clean Air Act. One of the parts of that legislation—it has a fancy name, but in essence that is what it was, clean air and clean water—one of the major thrusts of the legislation was that we had these toxic waste dumps all over the country. They were first exposed by a toxic canal, called Love Canal, in the State of New York. The cause for the toxic dump, the company, was long since gone, probably bankrupt, and, therefore, there was no financial means by which we could go about cleaning it up. We couldn't get to the responsible party because they had long since left town or they had long since gone through a series of bankruptcies and there were no funds available to clean it up, and that left it on all the rest of us—the taxpayers.

What we found was there were a lot of these places all over the country. This was particularly true in my State of Florida. All of these sites are now called Superfund sites, named after the trust fund that was being set up, filled with trust fund money that would come from a fee being imposed upon the industries that were doing the polluting. The concept was that the polluter was going to pay instead of the average taxpayer, and they called this trust fund the Superfund. So they called these sites the Superfund sites. In my State, we have 52 of these sites, and we have another 13 identified. But nationwide there are over 1,200 of these sites that have already been named and which need to be cleaned up.

Here is the problem. Why aren't they cleaned up? Well, as I said, when I was a young Congressman and we passed this new law, we were going to have the financial means to clean up these sites by having the industries that were polluting pay a fee that annually would go into this trust fund and, in return, they were getting something. They were getting relieved of any financial liability. That was the deal. This law operated along fine for about 15 years, and it came up for renewal, and lo and behold, those industries activated their lobbyists and they killed the reimposition of that fee in the mid-1990s. So they got off scot free because they don't have any more liability, but they are not paying their fair share.

The industries were the petroleum industry—and it was a minor tax that was imposed on the production of oil and the importation of foreign oil into this country—and the chemical industry, in 42 chemicals that were produced, and there was a small fee that was assessed for that which went in and filled up this fund basically to the tune of about $1.3 billion a year. But along come the mid-1990s and those industries activate their lobbyists and they kill the fees on a going-forward basis—but they didn't kill their relief from liability.

What we have now is a trust fund that is depleted of money. We have

over 1,200 sites all over the country that desperately need to be cleaned up. There is no money except going to the American taxpayer and getting the money to keep cleaning up these sites.

What we need to do is to reimpose the fee so we go back to the original agreement with these polluting industries; in other words, the polluters paid into the trust fund and they got that in exchange for relieving them of liability for the pollution that left these toxic dumps.

I am introducing legislation that would cause this to occur. The President has recommended it. He has recommended a provision by which it would fill the trust fund partially by $1.3 billion in the first year from these fees and thereafter $2.5 billion a year. I am changing the recommendation from the President a little bit because the President is imposing a corporate fee as well and I do not think that corporations that did not have anything to do with polluting ought to be paying this fee. I think it ought to be assessed only on those corporations that were a part of the polluting under the original theory of the law back in 1980, so that is how I have changed the legislation from what the President has recommended. I will be introducing this shortly. I am going to send it around to our colleagues and I hope they will join me as cosponsors.

I want to tell you about one of these sites I visited this morning in Jacksonville, FL. It is right on the St. Johns River. It is right next to one of the main sites of the Port of Jacksonville, which is a major national seaport. It is 31 acres and it is all fenced, with signs with a skull and crossbones that say: Don't go on the property because you could get cancer.

As a matter of fact, EPA has done an analysis of this. They say the toxic chemicals on this site, if somebody were to drink the water, if somebody were to live there, if somebody were to go and scratch around in the sand, they could be exposed to cancer-causing agents. Can you imagine. That is right in the middle of a big city, next to the St. Johns River where the runoff is going into the St. Johns River, and guess who is ingesting that? The fish in the river and the mammals in the river.

What we need to do is clean up these sites. This site is a typical one. It started over a century ago, in the late 1890s. It was a fertilizer plant. It operated for almost a century. It was shut down in the 1980s and then it was declared a Superfund site a few years ago. Analysis showed just what kind of toxic things were there. EPA, doing an analysis of this, has said it could affect nervous disorders; it could cause cancer. They have gone through a whole list of potential terrible health effects that could occur from something that could come from somebody being exposed to this site.

There is another reason we want to close up this site. That is that this 31 acres is sitting right next to the major part of the Port of Jacksonville, which is going to significantly expand once the Panama Canal is widened and the superships that have these cargo containers on them are able to come from Asia, through the Panama Canal to the east coast of the United States. The Port of Jacksonville will significantly expand and this particular location called the Talleyrand part of the Port of Jacksonville will be able to expand by 31 acres, right on the St. Johns River, right next to the Port of Jacksonville. That is highly desirable real estate, of which you cannot dare even go through the fence and walk on the land because of the potential toxic exposure.

Remember, this is just one of 1,200 sites across America that needs to be cleaned up. That is the reason people now should clearly understand, under the theory that the polluter pays, why we need to reinstitute the original agreement struck in 1980 for the trust fund to be filled by the fee associated with these toxic substances and therefore be able to clean up these sites for the benefit of the American taxpayer.

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. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2847, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 2847, an act making appropriations for the Departments of Commerce, and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Durbin amendment No. 3498 (to the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate), of a perfecting nature.

Durbin amendment No. 3499 (to amendment No. 3498), of a perfecting nature.

Durbin amendment No. 3500, to provide for a study.

Durbin amendment No. 3501 (to amendment No. 3500), of a perfecting nature.

Durbin amendment No. 3502 (to amendment No. 3501), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senate returns today to creating jobs. Today, we return to the HIRE Act.

This bill provides incentives for businesses to hire new employees, and it encourages businesses to invest in building their operations.

It has a payroll tax exemption for newly hired employees. It provides continued funding for the vital Federal highway program. It expands the successful Build America Bonds program. And it extends the tax incentive in section 179 of the Tax Code, which allows small businesses to expense capital expenditures, instead of depreciating them over time.

These proposals will help to get Americans back to work.

The Senate passed the HIRE Act last month, with strong bipartisan support.

Since then, the House of Representatives considered the legislation and returned it to the Senate with some modifications.

The HIRE Act includes the Schumer-Hatch payroll tax exemption for newly hired employees. This is a straightforward tax cut: If you hire a person who has been unemployed for 60 days, you don't have to pay your share of the Social Security payroll taxes for that person for the rest of the year.

And if you keep the newly hired person employed for 1 year, you get an additional income tax credit.

The House modified the Schumer-Hatch payroll tax exemption to allow employers to receive the exemption if they pay the railroad retirement tax instead of the Social Security payroll tax.

The House also included modifications to ease implementation of the payroll tax exemption.

This payroll tax exemption provides a simple and immediate tax incentive for businesses to employ new workers, right away. A business can use the cash that it saves from the payroll tax cut to help pay the wages of the new employee. Or it can invest in equipment. Either way, the incentive will help boost hiring and help businesses.

The HIRE Act will also create jobs in the transportation sector, by extending the 2009 highway funding level through the end of 2010.

Highway construction plays a vital role in our economy. The Department of Transportation estimates that every $1 billion in Federal highway spending—when coupled with the State or local matching share—creates or sustains 34,500 jobs. These are jobs in construction, engineering, manufacturing and other sectors hard-hit by the recession.

The HIRE Act keeps the program working.

The HIRE Act also expands the successful Build America Bonds program. Last month, Treasury Secretary Geithner testified before the Finance Committee that the Build America Bonds program is the most successful

stimulus program based on jobs per dollar.

And the HIRE Act extends the enhanced expensing provision in section 179 of the Tax Code. This valuable tax incentive allows small business taxpayers to write off up to $250,000 of certain capital expenditures in 2010, instead of depreciating those costs over time.

This helps small businesses to pay less in taxes now, and thus meet their needs for cash in this difficult time.

The American economy has lost more than 7 million jobs. And the unemployment rate is near 10 percent.

We need to help people to get jobs. We need to do more to help businesses to hire more workers. The HIRE Act does just that.

And so, let us help America's businesses to create more jobs. Let us complete our work on this commonsense legislation. And let us send the HIRE Act to the President, so that this law can start creating jobs right away.

PEOS

Mr. NELSON of Florida. Mr. President, I would like to ask the chairman of the Finance Committee and its ranking member a question on the application of the pending legislation, H.R. 2847, the Hiring Incentives to Restore Employment Act, to Professional Employer Organizations or PEOs.

In my State we have over 700,000 workers in Florida who are working in PEO arrangements regulated by Florida law. PEOs in my State work with over 50,000 businesses, most of them small, providing a range of human resource-related services. I would like to ask the Senators to confirm that for purposes of the retention credit for newly hired individuals contained in the legislation the rules for eligibility and calculating the credits would be applied to each business working with a PEO as if the business was not in a PEO relationship. In other words, the retention credit would be claimed by the business in these cases.

Mr. BAUCUS. The Senator from Florida is correct.

Mr. GRASSLEY. I agree with the chairman.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to H.R. 2847, the Commerce, Justice, Science Appropriations Act.

Byron L. Dorgan, Carl Levin, Dianne Feinstein, Jack Reed, Mark R. Warner, Patrick J. Leahy, Benjamin L. Cardin, Debbie Stabenow, Daniel K. Akaka, Robert P. Casey, Jr., Michael F. Bennet, Maria Cantwell, John D. Rockefeller, IV, Barbara Boxer, Charles E. Schumer, Patty Murray, Christopher J. Dodd.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to H.R. 2847 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from North Carolina (Mrs. HAGAN), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), the Senator from Utah (Mr. HATCH), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''nay.'' The Senator from South Carolina (Mr. DEMINT) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—61

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Franken	Nelson (FL)
Begich	Gillibrand	Pryor
Bennet	Harkin	Reed
Bingaman	Inhofe	Reid
Bond	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (MA)	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burr	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Collins	Lieberman	Webb
Conrad	Lincoln	Whitehouse
Dodd	McCaskill	Wyden
Dorgan	Menendez	
Durbin	Merkley	

NAYS—30

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Brownback	Graham	McConnell
Chambliss	Grassley	Murkowski
Coburn	Hutchison	Nelson (NE)
Cochran	Isakson	Risch
Corker	Johanns	
Cornyn	Kyl	
Crapo	LeMieux	
Roberts	Shelby	Vitter
Sessions	Thune	Wicker

NOT VOTING—9

Bennett	DeMint	Hatch
Bunning	Gregg	Tester
Byrd	Hagan	Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, we are now postcloture. It is my understanding that my Republican colleagues wanted some opportunity to talk about this bill. We certainly have no problem with doing that.

I ask, however, that we have a definite time to vote on this legislation. I hope we could do it before our caucuses tomorrow. I ask my distinguished friend, the Republican leader, to comment on when he expects being able to vote on this legislation.

Mr. MCCONNELL. Mr. President, my members are here and ready to talk. We are going to be talking about health care, which is the most important issue in the country. We are fully prepared to discuss it throughout.

Mr. REID. I appreciate very much my friend being candid in that regard. I ask unanimous consent that we have the vote on this matter by 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, as I just indicated, we are here. We have been notified by the other side that they wish to have a lengthy discussion. We are here and prepared to do that and fully intend to talk about what we view as the flaws in the health care proposal that will be voted on in the House apparently sometime later this week. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, we in America today have a major problem, and that is jobs. I appreciate the bipartisan support of this bill; it has been bipartisan, but we need to get to this bill and pass it so we can start having small businesses take the tax credits that are going to be available in this legislation to allow the Build America bonds to be replenished. We need to make sure that the highway budgets go forward as quickly as possible.

I understand the efforts to divert attention from the issue at hand, but there is going to be plenty of time to talk about health care. Let's get this done. The bill we are on now—when we finish this bill, there is the FAA bill. There are amendments in that regard that have been offered. As we know, Senators can speak about any subject they want. But let's get off health care for a few hours and get jobs. This bill should go to the President tomorrow so people can start being hired.

For example, I have a provision in this bill that will allow $45 million that

has already been appropriated, to be reprogrammed—in fact, I use that term, but it will be directed by this bill—it will go to the transportation departments of Nevada, $45 million. The highway departments in Nevada will build things to create jobs. That is what we need to do.

We understand the concern people have with health care, but this is a jobs bill. I hope that tonight if my Republican colleagues want to talk about health care they will take a little consideration and understand that this is a jobs bill. But the jobs before us are dealing with this beautiful bill that has passed—bipartisan, a bill that will allow small businesses to take a tax credit if they hire somebody who has been out of work 60 days. It will allow someone who has a small business who wants to buy a new machine, a new desk, new office equipment to write that off—not depreciate it but write it off. Of course, saving 1 million jobs with the highway bill and the Build America Bonds.

Mr. SCHUMER. Will the majority leader yield?

Mr. REID. Certainly.

Mr. SCHUMER. Is it not true, Mr. Leader, by the rules of the Senate, that the minority could spend time talking about health care tonight, without holding up the jobs bill; that they could let the jobs bill go forward and then talk about health care all they wanted?

Mr. REID. The answer is yes. I say to my friend from New York, we would be happy to give consent, if they want to talk all night on health care or whatever they want. That is fine—and we would be able to respond to that, of course—but let us get this done. There are people waiting to buy things. Not only does this help small business and help them purchase items, but the businesses are going to buy them—up to $250,000. In Reno or Las Vegas, this is big-time stuff, and I would think the same is true all over the State of New York.

Mr. SCHUMER. That is true.

Mr. REID. I would bet, in the first week, that this bill was effective, there would be a massive purchase of property because people no longer have to depreciate. They can write it off, up to $250,000. That is a lot of stuff.

Thank you, Mr. President.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. My good friend, the majority leader, left out one thing, which is this is the second time he has done what is called filling the tree. What that means to the constituents we represent on this side of the aisle is, we got to offer no amendments, no amendments whatsoever, to this bill. This is the second time and the 27th time the majority leader has filled the tree, thereby denying to the minority an opportunity to offer any amendments at all.

We can argue, I guess, about the relative merits of this bill. What we do know for sure is that $47 billion of it is not paid for. So it adds that much additional money to the deficit. We also note, for sure, the one kind of jobs this administration has been able to produce is government jobs.

As a result of the spending binge we have been on for the last year, we have added 120,000 government jobs. In America, if you work for the government, you make an average of $70,000 a year. If you work in the private sector, you make an average of $40,000 a year. We have had a job boon all right—with the government. Of course, the stimulus package principally benefitted State governments, which were very happy to have the money so they did not have to pare back their employment.

So we are interested in talking about jobs all right, but health care is what the majority has been trying to ram through the Congress over the last year. It is the big issue this week. I am sure Members on my side of the aisle who will speak tonight will indeed talk about jobs, but we also fully intend to talk about the health care bill that will be voted on over in the House that cuts Medicare by $½ trillion, that raises $½ trillion in new taxes, and is replete with special deals. We now understand the fix-it bill—the second bill that will come after the health care bill—will not fix all the special deals; maybe only one of the special deals. So we will have on opportunity——

Mr. DURBIN. Would the Senator yield for a question?

Mr. McCONNELL. I believe I have the floor.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. McCONNELL. We will have an opportunity to discuss all these things, and what I would suggest to the majority leader, if he wants to maximize the time, we could simply agree to vote on this bill at 9 a.m. on Wednesday and then go back to the FAA bill, upon which we have made substantial progress. That would be another way to advance the ball, which I would suggest.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my friend from Kentucky said it all in the last statement. He would be willing to agree to have a vote at 9 a.m. on Wednesday morning. Why in the world would we want to waste American taxpayer dollars sitting around here not sending a bill to the President? This is a bipartisan bill. It is a bill that has been widely acknowledged to be approved by groups such as the liberal-minded Chamber of Commerce, the National Chamber of Commerce, and other such groups. It is a bill that is so badly needed in this country.

I would also suggest to my friend, I don't know of a single government job that would be produced with our HIRE bill. I don't know of a single job because everything we have done in the four provisions will create jobs in the private sector—thousands and thousands of jobs, new jobs, in the private sector.

Mr. SCHUMER. Would the leader yield for a question?

Mr. REID. Of course, I would.

Mr. SCHUMER. Again, first, there are four provisions in this bill: One is the highway bill, which as I understand it hires private sector people to build highways; is that correct?

Mr. REID. That is true.

Mr. SCHUMER. Second is Build America Bonds, which allows the States and cities to hire private people; is that correct?

Mr. REID. The only thing it can be used for.

Mr. SCHUMER. Third is the depreciation for small businesses, which is obviously for the private sector.

Mr. REID. Nondepreciation. Just write it off.

Mr. SCHUMER. Four is the provision Senator HATCH and I put forward, which gives directly to small businesses a payroll tax deduction if they hire; is that correct?

Mr. REID. The four things my friend has enunciated create not a single government job.

Mr. SCHUMER. Let me ask one other question because my friend, the minority leader, talked about the $48 billion not paid for. Isn't it correct this bill is fully paid for?

Mr. REID. Yes, it is.

Mr. SCHUMER. I thank the Senator.

Mr. REID. I would also say, Mr. President, the State of Kentucky and the State of Nevada have been having tremendous problems with a number of programs, one of which is Medicaid. One of the things we did in our recovery package was to give all 50 States—Nevada and Kentucky, all 50 States—some help with their Medicaid. The cost of health care is wreaking havoc with our States. There is nothing wrong with doing that. We have an obligation. Medicaid was a program we started back here. To talk about the States getting some kind of a big benefit they do not deserve I don't think is right.

I met 2 weeks ago tonight in Room 219 with 12 Governors. They handed me a letter signed by 48 Governors all saying: We need some help, and one of the places we need help is with Medicaid. These health care costs are skyrocketing. Even though we have given help, there are very few States in the Union that haven't had massive layoffs.

Again, I would hope we could get this out of the way and have a discussion on health care at some subsequent point. There is another bill that this is holding up. This bill is going to pass, and I appreciate very much my Republican colleagues voting for this legislation, but let's not waste 30 hours because we are not only holding up sending this bill to the President but we are holding up finishing work on the Federal Aviation Administration bill.

My friend has wanted to offer amendments. Amendments are being offered

on this legislation as we do on most everything. I have been very nonrestrictive in how I have handled the floor. Of course, there have been occasions when we have done what has been done here for generations; that is to say, at this time, we are not going to have, on a bill dealing with jobs, an abortion amendment, we are not going to have an amendment on gay marriage or on income tax. On things such as that, there comes a time.

On this FAA bill, the first year—the first year—the experts tell us will create 150,000 jobs, but not only that, it will make air travel safer. We will have the air travelers' bill of rights. We will have, for the first time in the history of this country, a GPS system for our aircraft which will allow us to do more flights into airports and to make it safer.

I would hope we don't waste this time. It is Monday night, it is 10 after 6. Let's not waste tonight and tomorrow and into Wednesday. Let's get off this, get to FAA, and if somebody wants to give a health care speech and beat up on Obama, let them do it on the FAA bill.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. As you can see, we are all in the mood for a spirited debate, and I know the junior Senator from Florida is on the floor and anxious to begin the discussion.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Before my friend leaves, if I could just say this. I think we could probably accomplish what we both should want by saying: OK, let's vote at a reasonable time Wednesday morning on this jobs bill, but in the meantime—in the meantime, all day tomorrow—let's work on the FAA bill. That way we would accomplish two very important things.

I would hope my friend would consider that. That way we could not only have a time certain where we are going to pass this bill—the HIRE bill—but we could also work on FAA. We have Senators waiting to do work on the FAA bill.

Mr. DORGAN. Would the Senator from Nevada yield?

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if I could respond to the majority leader's suggestion, it may very well be worth talking about. As I understand the suggestion, it is that we lock in a time for a vote certain, such as the one I suggested, at 9 a.m. on this bill, and we resume consideration of the FAA bill between now—tomorrow—and then.

Mr. REID. I think that is very appropriate. During that period of time, people can offer amendments or, if they feel so inclined—

Mr. MCCONNELL. I think that is a matter worth talking about. Why don't we put in a quorum call and have that discussion.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. 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. WYDEN. Mr. President, we are going to have the leadership discuss the process for moving forward, but I wish to take a minute and talk about one of the important bipartisan provisions in the jobs bill. I think colleagues know it is never hard to get me to focus on the health reform issue, and we are certainly going to be doing a lot of that in the days ahead, but our constituents want us to focus on jobs as well and particularly a jobs effort that is going to work. We have that in the Build America Bonds program. I say to colleagues, the Build America Bonds program has far exceeded even the optimistic projections some of us had for this program.

I have been involved in the development of this program now for 6 years. Senator THUNE, on the other side of the aisle, has worked very closely with me. When we started our work on the Build America Bonds program, our hope was that perhaps $4 billion or $5 billion worth of these Build America Bonds would be let. What we have seen is that now close to $80 billion worth of these bonds have been issued. They are literally selling like hotcakes. They have revolutionized municipal finance, and some have projected that perhaps this year $150 billion worth of these Build America Bonds will be sold.

So Build America Bonds work, and they put people in the private sector to work as well. In my home State of Oregon, it has been proven, time and time again, that private investment follows well-targeted public investment. That is what we are seeing with this bipartisan program, and that is why colleagues on both sides of the aisle have proposed expanding it.

I note my good friend, Senator THUNE, on the other side of the aisle, is here. He and I have worked hand in hand on this effort because we wanted to have something that would create jobs in our country that was nonpartisan.

The reason Senator THUNE and I have worked on this effort in a bipartisan way is we wanted to have something that is common sense, we wanted to have a jobs creation effort that responded to basic needs of our country, and we wanted to see it part of an effort where the private sector takes the lead.

I am particularly appreciative the chairman of the Senate Finance Committee is here, Chairman BAUCUS. I wish to express my appreciation to him and his staff for their help in this effort. We saw in the Senate Finance Committee—Chairman BAUCUS is here, he remembers our discussions—our projections for Build America Bonds were pretty modest. The reality blew past those projections almost overnight. The projections for Build America Bonds were a few billion dollars, and we blew past those projections like a bullet train.

Build America Bonds are getting desperately needed funding flowing into local communities, they are creating jobs, and they are helping to strengthen America's infrastructure. Almost $80 billion has been generated. This is in addition to the $80 billion of direct Federal infrastructure spending that has been included in the Recovery Act.

I note that in the HIRE bill there is going to be an effort once again to ensure there is direct support for infrastructure, and we also have this very promising opportunity with the private sector that we have been able to secure with Build America Bonds.

When a project is funded with Build America Bonds, the Federal Government pays a portion of the finance costs. It equals a very small percentage, perhaps a single-digit percentage of the total project cost. The city or State pays almost the entire cost of the project over time.

A project that is funded with direct spending will often have the Federal Government pay 50 percent or 75 percent of the project costs. Some communities need that kind of help to get needed projects off the ground. But when some argued that projects should only be funded with direct spending, I thought it was important to look for other opportunities. That is why Build America Bonds came into existence. It is not possible, given the enormous needs for infrastructure improvements, for roads and bridges and transportation systems, to rely just on direct spending or rely just on bonds. What we ought to do is what we have done here in the Senate on a bipartisan basis; that is, put more options in the tool box for funding infrastructure. Of course, direct spending will be important. What we have seen is Build America Bonds take off as an additional tool.

In my home State, in the Dayton School District, they are using Build America Bonds to employ up to 150 people building and remodeling classrooms. By using Build America Bonds, this small school district in my home State saved an estimated $1.2 million in interest costs.

Up in Washington State, in Grand Coulee, the Coulee Medical Center was able to finance a new hospital building with Build America Bonds, saving more than $7 million in finance costs. They were able to start construction immediately. We had discussion on the floor earlier—are these government jobs? What that project did was put people in the private sector to work—construction workers, plumbers, electricians, tradesmen. Once the building, of course, is completed at the end of the year, doctors and nurses, clerks and

support staff get to work in the new hospital.

Recently, a joint Congressional Budget Office-Joint Tax Committee report highlighted other benefits flowing from Build America Bonds. As my friend Senator THUNE, who is in the Chamber, knows about Build America Bonds, this report shows that tax-credit bonds, such as Build America Bonds, can be more effective than tax-exempt bonds. The report also concluded that because the bonds are more attractive to investors, they are more efficient at raising capital.

Once again, Democrats and Republicans have been able to come together in the Senate to advance a fresh approach that saves municipalities time and money and effort that can otherwise be devoted to other priorities.

Aside from the fact that the funds are raised efficiently, they are answering a cry we hear again and again; that is, get the job done quickly. People are frustrated that sometimes it takes eons for government to work out the particular project, particularly in the transportation area. Bond funds need to be spent within 2 years of the date the bond is issued. What that means is money is not just flowing into projects, it is being spent in the short term. People get back to work quickly. You get more bang for your dollar, and that obviously is what Americans are asking for, and Build America Bonds deliver.

Back in the days before these bonds were issued, the market for the traditional, normal municipal bond was just about frozen. It was hard to sell them. Now Build America Bonds have changed that. The private sector is strongly supporting this program. Groups such as the Chamber of Commerce and the National Association of Manufacturers and businesses across the country are saying they need a fresh approach to build infrastructure. Particularly with Build America Bonds, we are now seeing businesses say this is an approach that gives them a long-term boost to what they know they can count on. They can plan new avenues for their businesses when they know there is going to be infrastructure there to support it.

It is not, however, just businesses that are buying Build America Bonds. Nonprofits such as pension funds are finding these bonds are an attractive investment. Nonprofits cannot benefit from the tax credits, but bond issuers can pass on the value of the tax credits in the form of a higher interest rate for Build America Bonds than other types of bonds. By contrast, traditional tax-exempt municipal bonds have not been a good investment for pension funds and other institutional investors that do not pay taxes. What Build America Bonds have been able to do is provide a way for nonprofits to invest in American infrastructure that traditional tax-exempt bonds don't provide.

We are not surprised that Build America Bonds are reinventing the municipal bond market. We were told by people in the private sector, in the States, in the finance community, all across the country, that they thought this was a chance to, in effect, unfreeze the municipal bond market that had been frozen in Illinois, in Oregon, in South Dakota, and across the country. In some cases, these bonds are going to make the difference between whether the infrastructure projects come to fruition. In other cases, they are going to lower the cost of the projects and allow the community to reinvest the savings in other projects.

By any scenario, the Build America Bonds program helps local government, local businesses, and those who rely on them for jobs and dependable infrastructure. In my view, that is exactly what the American people are looking for from their elected officials—something that works, something that is common sense, something that is bipartisan, something with a proven track record. That is, in fact, the Build America Bonds program.

Let me close with one last point. There have been discussions—and we have been in consultation with Chairman BAUCUS and the Senate Finance Committee staff on this—about financial institutions and whether the fees they are charging are appropriate for the issuance of Build America Bonds. First of all, it has been the position of Chairman BAUCUS, myself, and others that anybody who tries to take advantage of State and municipal issuers needs to understand that the Senate Finance Committee is going to have a zero tolerance policy—zero tolerance policy—for ripping off the taxpayers. This program is designed to create jobs and make infrastructure funding more efficient and certainly not create any opportunities for somebody to try to skate around the rules and to take advantage of taxpayers.

In the Senate Finance Committee—and I am very appreciative of Chairman BAUCUS taking this approach. The Congress included a 2-percent limit on the amount of fees issuers of Build America Bonds can charge. In practice, the typical fee, in fact, has been far less than the statutory maximum fee that is allowed.

As the market for Build America Bonds has grown—and I pointed out that it has mushroomed far beyond projections—the fees have kept coming down. They have come down close to the levels currently charged for tax-exempt bonds. With Build America Bonds having become well established—in fact, they now represent 20 percent of the municipal bond market—in our view, there simply is no longer a justification for charging a higher fee.

As the expiration of the Build America Bonds program approaches at the end of the year—and I am very glad the administration has proposed making the program permanent—I intend to keep monitoring the fees charged for issuing the bonds. If some can present the case that it is appropriate to further reduce the statutory cap on fees, I am certainly open to listening to it. I want to make sure every single dime of taxpayer money goes to these bondholders.

I am open to listening to any suggestions and any ideas to make a program that works, a program that Senator THUNE and I have worked on together for many months that is working—we are certainly open to ideas for improving on it.

I see my friend from Florida is anxious to speak. I appreciate his desire to talk tonight.

Let's keep focusing—whether it is health care, whether it is transportation, whether it is tax reform—on ideas that bring the Senate together. I wanted to take a few minutes to talk about Build America Bonds specifically tonight. Again, the chairman of the Finance Committee is in the Chamber. I am very appreciative of his support and Senator GRASSLEY's support. As the majority leader, Senator REID, noted earlier tonight, we have to zero in on jobs. There is no economic multiplier out there like jobs. If you put people to work, as I outlined—construction workers, electricians, plumbers—restaurants make the sandwiches to feed all the men and women who are doing the work. Let's keep coming back to approaches that bring both sides together. I have tried to do that in health care, in tax reform, and certainly in transportation, where Senator THUNE and I have been able to team up on something that works and is being used around the country. Let's remember that is what is needed right now when our folks are hurting. When they are looking for approaches that are common sense, that are nonpartisan, we can give them one specifically with the Build America Bonds program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

HEALTH CARE REFORM

Mr. LEMIEUX. Mr. President, I thank my colleague from Oregon for his good words tonight and for his approach in trying to do things in a bipartisan way.

There are some good things in this jobs bill. I think the issue we on this side of the Chamber have had is we would have liked to have offered some amendments. The 18 million people I represent in Florida expect that we have the opportunity to offer amendments, to bring up ideas, good ideas, and let those ideas rise and fall depending upon their merit. Unfortunately, we did not have the opportunity to have amendments. My colleague, the Republican leader, said earlier what was done on the majority side was something called filling the tree. What does that mean? It means we do not have the opportunity to bring forward our good ideas. The people of Florida, the people of all of our States, expect that we get to do that. So while there are some good things in here, it is a shame that we could not have made this bill better.

What I really want to speak about tonight is the debate Americans are having around their living room tables and around their kitchen tables about this health care bill. This is a trillion-dollar bill that is being discussed in this country and that we now hear is going to go through the House of Representatives and possibly come back to this Chamber through a procedure called reconciliation.

It occurs to me that what we are dealing with here is a little bit of fantasy land. Why do I say that? This weekend, I took my kids to see ''Alice in Wonderland.'' That is a famous story. It occurred to me that we are creating our own sort of wonderland here in the Senate.

A lot of things have been said about this health care bill, what it does and what it does not do. I thought tonight it would be important to go through the representations that are being made to the American people as to whether we should pass this health care bill. Let's go through all the things we have heard, things that President Obama has said, things that Members of the majority have said in this Chamber as to why we should pass this health care bill.

Let me first say that everybody believes we need health care reform in this country. We have 4 million-plus Americans who do not have health insurance. Nearly 4 million Floridians do not have health insurance.

We know the cost of health insurance is too high for those Americans who have health insurance. In the last 10 years, health insurance costs have risen by 130 percent. That is unsustainable. It is something that is afflicting the people of Florida and all across this country.

It is hard to make ends meet when your salary may be going down or you may have lost your job but your health care costs continue to go up. So there is no debate within this Chamber that we should do something. Of course, we should do something. The debate is about what we should do.

On this side of the aisle, we would like to take a step-by-step approach. We would like to go after the cost of health care. We would like to increase competition in health care so that costs could actually go down. We would like to put patients back in charge of their health care purchasing decisions.

We know if the consumer is back involved the price of health care will go down. But we find ourselves having to vote on this massive new government entitlement program, a program that I cannot support because I do not believe it will be in the best interests of Floridians.

Last Monday I was down in South Florida, down in Miami and Fort Lauderdale. In Fort Lauderdale I had the opportunity to have a townhall meeting where we specifically talked about health care. In that meeting I had many Floridians come up to the microphone and ask questions. Most of them were bewildered about this plan. They wanted to know why we cut a $½ trillion out of Medicare. Medicare is health care for seniors. Why would we create a new program by cutting a program we have now that is already in financial trouble?

We know in the next 7 years Medicare is going to have its own solvency problems. Why would we take money out of health care for seniors—more than 3 million Floridians in that program—to start a new program?

They want to know why we are going to raise taxes on medicine and health care devices which we know will increase the cost of health care. They want to know why we are creating a $1 trillion new entitlement program when we cannot afford the entitlement programs we have, when we cannot afford the $12 trillion debt we are saddling upon our children and our grandchildren.

So with that, I would like to go through some of the myths, some of the myths that have been created in this wonderland I spoke about before, and try to debunk those myths and say what is in this bill and let the facts speak for themselves.

The first myth—and the President likes to say this; he said it again today in a rally—if you like your health insurance, you can keep it under his proposal. Well, it is simply not true. The Congressional Budget Office has said between 8 and 9 million people who would be covered by employment-based plans under current law would not have the offer of such a proposal. Why is this going to happen? Because under the incentives and penalties this bill creates, businesses are going to drop health insurance for their employees and put them into the government-subsidized system.

So for those 8 or 9 million Americans, they are not going to get to keep the health insurance they have now. They are not going to be able to keep the health care they want.

Rick Foster, the CMS Actuary—and those are the folks who administer Medicare and Medicaid—says the number could even be higher. He concluded that 17 million people will lose their employer-sponsored coverage. Seventeen million people will not be able to keep the health care they enjoy today. So what the President says is simply not the case.

Second, we know under this myth that you will be able to keep the health care if you like it, that people who have Medicare Advantage, Medicare Part C, a lot of them will not be able to keep their program either. Medicare Advantage is a promise that offers extra benefits for folks on Medicare.

If you sign up for it, you get wellness benefits, you get hearing benefits, you get dental benefits oftentimes. People like it. We have more than 1 million people in Florida on Medicare Advantage. This bill cuts $120 billion out of Medicare Advantage.

Now, I am not sure how it is going to impact Florida. There was this Florida fix that was going to be an off-ramp, not an exit. But over several years they would be in the same situation as the rest of the folks in America. I do not know whether that is going to make it into the final bill. But I do know we are going to cut $120 billion out of Medicare Advantage. When that happens, according to Rick Foster, the CMS Actuary, lower benchmarks will reduce Medicare Advantage rebates to plans and thereby result in less generous benefit packages.

He estimates in 2015, enrollment in Medicare Advantage plans would decrease by about 33 percent. So for many folks, they are going to get dropped by their employer and not be able to keep the health care plan they have now. For many folks on Medicare Advantage, they are going to get dropped as well, as much as 33 percent by 2015. You are not going to be able to keep the health insurance you have now.

We also know these mandates that exist in this bill are going to change your health insurance policy. If the government deems that your health insurance plan does not pass muster, they are going to mandate that your health insurance plan change.

Now, you may like your health insurance plan the way you have it. You may have a high deductible. You may have bought catastrophic insurance. You may not want to buy a comprehensive health insurance plan that is soup to nuts; you may only want certain things covered.

Well, under this plan, under this bill, there are going to be certain mandates put in place, and you may not be able to keep the type of insurance you have. So for those three instances alone—for people who are going to get dropped by their employer and get forced into the public plan, for people who are Medicare Advantage, and for people who have a certain type of insurance plan—they may not be able to keep it.

So we know, unfortunately, what the President is telling us about this bill is not true. Myth No. 1 is busted.

Myth No. 2: Your health insurance premiums will go down. Why did he get involved in this whole debate to start with? What was told to the American people during the Presidential campaign in 2008 and since the time that we have discussed this health care plan? That we were going to lower the cost of health insurance for most Americans.

That is not going to happen under this plan. We are not going to lower the cost of health insurance. In fact, for some Americans the price is going to go up. Table 1—I hate to get into the weeds, but let's look at the facts.

We have the CBO report I cited earlier. There is a Table 1 on page 5 of that Congressional Budget Office report that analyzes this plan. It goes through what people have in the current insurance market.

There are about 25 million people in the small group market. There are 134

million people in the large group market. That is 159 million Americans who have health insurance. So the small group market, it is estimated the cost increase or savings is between a 1-percent increase or down 2 percent.

For those in the large group, it is zero to potentially minus 3 percent. So this is not reducing the cost of health insurance in any meaningful way. For individuals who are out there who are not in a group, who are purchasing insurance individually, the Congressional Budget Office says their cost of health insurance will go up 10 to 13 percent.

So the whole very reason, the primary reason we are about the business allegedly of debating health care and passing this big bill was to lower the cost of health insurance for most Americans. Not only is it not going to lower the cost of health insurance for most Americans, it is going to increase it for those who are in the individual market.

I ask unanimous consent that Table 1 be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEMIEUX. So you are not going to be able to keep your health insurance, for a lot of Americans, if you like it, and the cost of health insurance is not going to go down. Those two myths have been busted.

Myth No. 3: This plan, the Democratic plan, will lower costs, lower the cost of health care overall. We have all heard about—and I said before the rising cost of health care, 130 percent in the past 10 years. There is an expression, ''bending the cost curve down,'' making sure that we can get control of costs. This plan is not going to do that. This plan does not have mechanisms, true mechanisms in it to really control costs.

In today's Washington Post, Robert Samuelson takes on the President's claim that his plan will control costs.

In this article, he talks about the fact that when people get insurance they use more health services; that spending rises and by the government's latest forecast health spending goes from 17 percent of the economy in 2009 to 19 percent in 2019.

According to the CMS Actuary, he estimates overall national health expenditures under this bill will increase by an estimated total of $222 billion during 2010 to 2019.

It is also going to increase the government's share of health care spending. According to the CBO, under the legislation, national outlays for health care would increase by $210 billion over the next 10 years. So we are just chasing our tails. We are going to put a lot more money into health care, but we are not going to reduce costs.

How could we reduce costs? How do we get at the problem of increased health care? Well, we could try to foster more competition among health insurance companies instead of creating these subsidies, which is going to plow more money into the insurance companies.

We could make the insurance companies compete across State lines. That is one of the ideas the Republicans have brought forward. We also could go after meaningful lawsuit reform. There is one estimate we would save more than $50 billion a year if we had meaningful lawsuit reform.

My colleague, Senator COBURN from Oklahoma, talks about the fact, being a practicing physician, that doctors are engaged in defensive medicine, and when thousands of kids across this country this year get hit in the nose with a baseball they are going to show up at the emergency room. Instead of just watching the patient and making sure the kid is going to be OK, they are going to order a CT scan even if one is not necessary because that has become the standard operating procedure in order to protect the doctor from lawsuits.

The CBO says if we had real medical malpractice reform, we could save as much as $54 billion over the next decade. We also do not have transparency. Here is the essential problem with health care costs. We do not know what anything costs.

In the next couple of days my wife and I are going to be fortunate enough to have our fourth child. She is due any day now. When we go to the hospital, we are going to get back—after that baby is born, just like we have done with the last three kids, we are going to get back a bill. It is going to be page after page after page of things that we cannot understand.

At the bottom of the bill, we will pay some small fraction because we have good health insurance in the Senate. We will pay some small fraction of the total bill, and we will never question the pages and pages and pages of line items of information we do not understand.

We will not because we do not have to pay for it, and we, as consumers, have been removed from the transaction in health insurance because of third-party payers, whether it be Medicare, Medicaid, or insurance companies. We are not involved in that transaction.

Now, let me give you a different example. If we had to look at that bill because we were responsible for a portion of it because we were given, say, a tax credit to go out and buy insurance, and we were trying to get the most bang for the buck, and they tried to add $75 for a bedpan or gauze or for Band-Aids, Mrs. LeMieux would not pay for that. Mrs. LeMieux would be in there saying: Wait a minute. I can go to Target and I can get Band-Aids for $1.50, not $75.

I guarantee you that the men and women of this country, if they really had to look at those bills because they really had to pay them, we would not have these exploding costs. We also would not have all of the cost shifting that is going around.

The dirty secret about health care is that if I have insurance, my full payment on insurance or close to the full payment is going to pay for the Medicare patient and the Medicaid patient because Medicare and Medicaid do not pay enough for the services they render.

The hospitals cost shift all the money around. At the end of the day, we don't have a transparent system or a market-driven system. What we should do is give every American who needs it a tax credit to buy health insurance on their own. If they were out in the marketplace, that would lower cost, because competition would reign and they would insist on bang for their buck. But that is not in this bill. We know now that, one, you will not be able to keep, in a lot of cases, your health insurance, if you like it. We know, two, it is not going to reduce your cost of health care. And we know, three, it will not lower the cost of health care in general. Those myths have been busted.

Let me go to the next one, myth No. 4: The Democrats' plan will reduce the deficit. We have heard this estimate that over $100 billion is going to be saved over the next 10 years. Not true. The way this is scored or evaluated by the CBO is that whatever you send them, they have to give you an answer back on the confines and the specifications of what you sent. So the Democrats' bill has 6 years of spending or benefits and 10 years of taxes. If they have 10 years of taxes and only 6 years of spending, then they can get to a situation where the CBO will come back and say: It is going to reduce the deficit. But if you compare apples to apples, spending to deficit, if you compare spending to taxes, we know it is going to run a deficit. You cannot create a new entitlement program and not run a deficit. It is going to cost us, by some estimates, more than $400 billion over a 10-year period, in the first 10 years, and $1.4 trillion in the next 10 years. We know that myth is busted. It is not going to reduce the deficit.

Let me also say this is going to be a budget buster for States. The States, unlike the Federal Government, have to make ends meet. The States have balanced budget requirements. As we increase the requirements of Medicaid, which this bill does, then we will be putting increased burdens upon our States. Our States are going to have to find more money to put into Medicaid. They can't print money like the Federal Government. They can't spend more than they take in. What is going to happen? They are going to have to cut other programs, or they will have to raise taxes. What is going to get hurt? I can cite the example of Florida where they are suffering under a huge and emerging Medicaid problem. Medicaid and Health and Human Services is the No. 1 portion of the budget of the State of Florida. It grows every year. So what loses out? Education, money for teachers and schools, law enforcement, protecting the environment, and economic stimulus. Florida has to live

within its means, unlike the Federal Government.

This is not a Republican or Democratic issue. Governors of both sides of the aisle are very concerned about the increased mandates placed upon States. Governor Phil Bredesen of Tennessee called this bill the mother of all unfunded mandates. The head of Washington State's Medicaid Program believes that States facing severe financial distress may say they have to get out of the Medicaid Program altogether.

CBO released its first estimate of expected discretionary spending under this bill, confirming that $10 to $20 billion in discretionary spending over the next decade will be used to implement this legislation. We are going to spend $10 to $20 billion to implement this bill; $5 to $10 billion to the IRS and to Health and Human Services. Also in terms of this topic, of looking at how the plan will reduce the deficit, which it will not, we know this is going to be a $1 trillion program over time. With rare exception, when this Congress creates a program, especially an entitlement program, it does not stay within its estimates. It grows and grows.

We have a debt. When I first came to the Senate and had the privilege to serve here back in September of last year, we were at something like $11.6 or $11.7 trillion. Now we are already at $12.4 trillion. It is unsustainable.

The fifth myth: Medicare cuts won't affect seniors. This bill cuts half of a trillion dollars out of Medicare. Some say this is savings. The money that is going to be saved is not going back into Medicare to prolong the life of Medicare. We had an amendment from my colleague Senator GREGG who said that any savings would have to go into Medicare. The majority party defeated that amendment.

It makes no sense to me that we would take half a trillion dollars out of Medicare to create a new entitlement program. I can't go back to my seniors in Florida, more than 3 million of them, and say: Your Medicare Program is already facing insolvency in about 7 years, but we are going to take a half a trillion dollars out of it now to create a new health care program.

This could not be good for seniors. On its effect on Medicare, there was a letter from the CBO Director to the majority leader, Senator REID. He warned that while the effects of the cuts to Medicare remain unclear, they could reduce access to care or diminish the quality of care. Let's go through the cuts: $135 billion from hospitals; $120 billion from Medicare Advantage; nearly $15 billion from nursing homes; $40 billion from home health agencies, $7 billion from hospice. The CMS Actuary says that many of the Medicare cuts are unrelated to the providers' cost of furnishing services to beneficiaries. That means it is not about savings. That means the money is being taken from Medicare, robbing Peter to pay Paul. He concludes it is doubtful that providers could reduce cost to keep up with these cuts. The CMS Actuary also finds that because of the bill's severe cuts to Medicare, providers for whom Medicare constitutes a substantive portion of their business could find it difficult to remain profitable and might end their participation in the program.

What does this mean in plain language? We are not paying these health care providers enough under Medicare, but we are going to take out still more money, and they will not be Medicare providers anymore. They will not provide health care for seniors. If you want to see the future of this, look at Medicaid. Medicaid is even one step worse in trouble than Medicare is. We know now that folks who are entering into the Medicaid system who are trying to find a specialist in a metropolitan area, half of them can't find a specialist. We know in Medicare, according to a June 2008 Medicare Payment Advisory Commission Report, that 29 percent of the Medicare beneficiaries it surveyed had trouble finding a primary care doctor. That is up from 24 percent in 2007. If the doctor is not in, it is not health care reform.

How can I go back to my seniors in Florida and say: We are creating a new program by taking money out of your program, and you may not be able to find a doctor who is going to see you anymore? That is not conscionable.

Florida will be disproportionately affected by these cuts. It has the second highest population of seniors and highest concentration of seniors in the Nation at 19 percent. Let me tell you how it will specifically hurt one portion of health care for seniors, home health care. I talked to Ron Malone, vice president of Gentiva Health Services, one of the largest providers of home health services in Florida. He said: Look, it is not going to hurt us so much. We are a big company. We can spread costs. We will get more market share. But it is going to hurt the smaller companies, and a lot of the smaller companies are going to go out of business.

How is that health care reform? Who do we owe an obligation to provide health care more than to our seniors?

I recently visited with the president of the Florida Medical Association, which is the largest physician association in Florida, with 20,000 members. They say:

> . . . this legislation does not adequately fix what's wrong with our current system. It contains many provisions that would allow government bureaucrats to interfere with patient care decisions and actually raises the cost of health insurance unnecessarily.

This is from the doctors association in Florida. They say it is going to interfere with the doctor-patient relationship and increase costs. Why are we doing this?

The sixth myth I want to tackle is this idea that emergency rooms are going to be less burdened. You hear this justification. People now are uninsured. They go to the emergency room to get health care. If we give folks insurance or they have the ability to purchase insurance at a subsidized rate, they will stop going to the emergency room, and that will lower the cost of health care because emergency room procedures are expensive. It will free up the emergency room for its intended purpose, for people who really have an emergency. But according to the Urban Institute, after Massachusetts adopted a somewhat similar plan, emergency use remained higher than the national average. More than two-fifths of the visits in these emergency rooms were nonemergencies and, of these, the majority of adult respondents said it was more convenient to check into the ER. More convenient?

We know we are going to be paying health care providers less. What does that mean? There is going to be less of them providing health care. That means your lines at the doctor's office, which are already too long, are going to get longer. So what are folks going to still do? They are going to still show up at the emergency room. If we look at the Massachusetts model, that has happened. We also know that ultimately we are going to have a severe doctor shortage. We have not prepared, nor does this bill prepare, to make sure we will have sufficient health care providers to meet new demands.

Seventh myth: The Democrats' plan takes on the insurance companies. You have heard the President say we are going to fight against the insurance companies; we are going to make sure that we are putting the patient first. Basically what we are going to do, in reality, is create a lot of new business for the insurance companies. This subsidy plan is going to force a lot of new people into health care with an insurance company. That is why the insurance companies are for it. What we need to do is empower individuals. What we need to do is give individuals money that is in their own pocket and let them go out and be consumers. If they were consumers, it would lower the cost of health care. What we need to do is let insurance companies compete across State lines so we as consumers have more choices. Look at auto insurance. It is so easy a caveman can do it. In 15 minutes, you can save 15 percent on your auto insurance. These folks are out there competing. We need that in health care. Why do I only get to pick from the insurance companies that are in Florida? If there is an enterprising insurance company from South Carolina that wants to come into my State and offer cheaper prices, why should I not have that opportunity as a consumer? There are commonsense things we can do, market-driven things we can do that will lower the cost of health insurance and, by doing so, when it is less expensive, more people can afford it and you have more access.

The eighth myth: It has been said that this bill takes an unprecedented step to fight health care fraud. It is

going to go after waste, fraud, and abuse, and we will save billions of dollars. In fact, the $500 billion being cut from Medicare is often described as an elimination of waste, fraud, and abuse. It is not. It is just taking money out of that program and putting it in this program. To be fair, there are some provisions of this bill that go after health care fraud. They are good, but they go around the margins. They are going to save a billion or two, which is a lot of money, I will grant you that, but it is not the kind of money we need to save. We believe there are $60 to $100 billion of fraud in Medicare every year alone, not talking about Medicaid, not talking about veterans health care, just Medicare, $60 to $100 billion, $1 out of every $7 spent. What we need to do is implement a plan that is going to stop the health care fraud before it starts.

I have a bill, S. 2128, that has bipartisan support, has more than a dozen Senators who sponsor it. It would do three things. One, it would create a person at HHS who would be the No. 2 person at the agency for Health and Human Services, appointed by the President to be the chief health care fraud prevention officer of this country. No other job, not focused on worrying about H1N1, not focused on anything else that should be done in health, focused on stopping health care fraud, someone we could measure against performance to make sure we are doing everything we can to stop wasting the people's money. The second thing it does is it takes a page from another business that exists in the marketplace that does an excellent job at stopping fraud. There is another business that is about the same size as health care, about $2 trillion a year. That business, instead of having a $1-in-$7 fraud ratio, has a ratio of 7 cents out of every $100. That is the credit card industry. We have all had this experience. You go somewhere to use your credit card and you get a phone call or an e-mail that says: Did you mean to make that purchase? If you do not say yes, they do not pay.

What we do in health care is we pay, and then if we think something is fraudulent, we chase. When we chase, the money is gone. The credit cards stop the fraud before it starts.

Now, why couldn't we implement that kind of computer technology? In health care, it is called predictive modeling. So when someone tries to sell a wheelchair 100 times in an hour, the bells go off, the phone call is made, and if it is not verified, we do not pay.

We have people—unfortunately, a lot of them in my home State of Florida—who are bilking the system for tens of millions of dollars a year because it is much easier to steal from Uncle Sam than it is to steal from anybody else because nobody is watching.

One group in town that has evaluated my bill with this predictive modeling system, where we would set up a computer program to stop the fraud before it starts and make people verify when there is a questionable transaction, has said it will save $20 billion a year.

During the health care debate we had last December, I asked to amend my bill on to the main health care bill, and my colleagues on the other side of the aisle objected. Why we wouldn't implement real waste, fraud, and abuse reform is beyond me. But this bill we are talking about does not have it. That myth I, too, believe is busted.

The third part of my bill is, it will require background checks for all health care providers. Can you believe we do not do background checks on people who bill Medicare and Medicaid in this country? We have folks who are convicted felons who are billing alleged ''health care'' providers. It is so bad that in reimbursements for AIDS treatment under Medicare, while south Florida only has 7 percent of the AIDS population, they bill 78 percent of the treatment—only 7 percent of the population and they bill 78 percent of the treatment. It is just fraud, and it should stop today.

The ninth myth I want to tackle is that this Democratic health care reform bill will not impact the doctor-patient relationship. In fact, it will. I agree with my colleague, Dr. BARRASSO, who supports a patient-centered approach. Real health care reform should ensure a doctor and a patient can work together to the best efforts in the health of the patient. As I said before, we are still going to have third-party payers. We have to put the patient back in charge of their health care. That is the only way we are going to reduce costs.

There is a common thread throughout our governmental programs that has led entitlements to expand and expand and expand; that is, people do not have what is called skin in the game. If I am not paying, I do not care. But if I have to go out as a consumer, if the government would give me a tax credit to go buy health insurance, all of a sudden I am in the game. If I have a reasonable deductible where I have to pay a little when I go to the doctor, all of a sudden I am in the game and I am not going to ask for a procedure I do not need. I am going to sit there and talk with my health care provider about whether this is something I really need. Now, if you tell me it is free, I will take it. And if you advertise to me on television every drug in the world, I will go to my doctor and say: Sign me up for that because I get it for free. We have to change the whole structure of how we do health care because this will just continue to expand. Medicare will continue to expand. Medicaid will continue to expand. If this program passes, it will continue to expand.

While it might be great to throw all this money into these programs, we cannot afford it. We cannot afford the programs we have, let alone the programs the majority in this Chamber want.

The tenth and final myth I want to tackle tonight is that taxes will not go up. This is a jobs bill for the tax collector. We already said there is going to be $5 billion to $10 billion to the IRS and HHS to implement this bill. Remember, if you do not buy health insurance for yourself, you are going to have to pay a tax, a fine, a penalty to the IRS—$750 a person. Small businesses that do not provide certain levels of health insurance will be fined. And what do you think they are going to do? Pay that fine or drop to under 50 employees so they do not have to pay the fine anymore, which will cause more people to be out of work.

Can you believe that in the United States of America, we are going to tax you if you do not buy health insurance for yourself because the government cares more about you than you care about you? If the government can tax you for not buying health insurance, what else can they tax you for not doing? Not working out? Not eating your spinach? That cannot be what our Founders intended.

Remember, we give up our rights to the government. Our institution was created that it governs with the consent of the governed, that we have the inalienable rights. In our social contract, we give those rights up to the government. It is not the other way around. How is it the government can fine me for not doing something?

So at the end of the day, when this entitlement program increases beyond its means, when it is more than we can afford, and when the $500 billion we take out of Medicare starts to put Medicare in insolvency even quicker, what is going to happen? Is the majority in this Chamber really going to cut Medicare? Probably not. So what are they going to do to help pay for this new program without their cuts? They are going to raise your taxes—raise your taxes to levels that are going to be hard to imagine when you factor in what we are going to have to do for all the other entitlement programs we cannot afford, when you factor in what we are going to have to do with our $12 trillion debt that is estimated to be $10 trillion higher by 2020.

That is why the National Federation of Independent Businesses has said:

> When evaluating health care reform options, small business owners ask themselves two specific questions. First, will the bill lower insurance costs?

We know the answer to that is no.

> Second, will the bill increase the overall cost of doing business?

The answer to that is yes.

They say:

> In both cases, the Patient Protection and Affordable Care Act fails the small business test and, therefore, fails small business.

It has been my goal tonight to present facts. I know others have a differing view.

As a Senator from Florida with more than 3 million folks in Medicare, as a Senator who cares about health care reform and wants to create more access but also wants to lower the cost of health care, I cannot support this bill.

I hope my colleagues in the House who are being faced with this option of voting for this bill and then passing something on reconciliation will do the right thing. I hope they will not be pressured politically to change their votes from ''no'' votes to ''yes'' votes. I hope they will stand for the people of their State and for the American people.

We could get this right. We could work together on a bipartisan way, as all of the other big, important bills over time have been done, with 70 or 80 Senators working together to do the right thing for the American people. I sign up for that. I am standing ready to do that if that opportunity presents itself. But I cannot vote for this bill that will not lower the cost of health insurance for most Americans, nor will it put us in a situation financially that is tenable going forward.

With that, Mr. President, I yield the floor.

EXHIBIT 1

Table 1.

Effect of Senate Proposal on Average Premiums for Health Insurance in 2016

	Percentage, by Market		
	Nongroup[a]	Small Group[b]	Large Group[c]
Distribution of Nonelderly Population Insured in These Markets Under Proposal	17	13	70
Differences in Average Premiums Relative to Current Law Due to:			
Difference in Amount of Insurance Coverage	+27 to +30	0 to +3	Negligible
Difference in Price of a Given Amount of Insurance Coverage for a Given Group of Enrollees	-7 to -10	-1 to -4	Negligible
Difference in Types of People with Insurance Coverage	-7 to -10	-1 to +2	0 to -3
Total Difference Before Accounting for Subsidies	+10 to +13	+1 to -2	0 to -3
Effect of Subsidies in Nongroup and Small Group Markets			
Share of People Receiving Subsidies[d]	57	12	n.a.
For People Receiving Subsidies, Difference in Average Premiums Paid After Accounting for Subsidies	-56 to -59	-8 to -11	n.a.
Effect of Excise Tax on High-Premium Plans Sponsored by Employers			
Share of People Who Would Have High-Premium Plans Under Current Law	n.a.	19	
For People Who Would Have High-Premium Plans Under Current Law, Difference in Average Premiums Paid[e]	n.a.	-9 to -12	
Memorandum			
Number of People Covered Under Proposal (Millions)	32	25	134

Source: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes: n.a. = not applicable.

a. The nongroup market includes people purchasing coverage individually either in the proposed insurance exchanges or in the individual insurance market outside the insurance exchanges.

b. The small group market includes people covered in plans sponsored by firms with 50 or fewer employees.

c. The large group market includes people covered in plans sponsored by firms with more than 50 employees.

d. Premium subsidies in the nongroup market are those available through the exchanges. Premium subsidies in the small group market are those stemming from the small business tax credit.

e. The effect of the tax includes both the increase in premiums for policies with premiums remaining above the excise tax threshold and the reduction in premiums for those choosing plans with lower premiums.

Mr. LEMIEUX. I yield the remainder of my post-cloture time to the Republican Leader, Senator MCCONNELL.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Illinois.

HEALTH CARE

Mr. DURBIN. Mr. President, I thank the Senator from Florida for coming to the floor and expressing his point of view on the issue of health care, and I would like to have a few minutes to express my own.

Let me explain our health insurance, the health insurance we have as Members of Congress. It is a government-administered health insurance plan. It has been around for 40 years. It is called the Federal Employees Health Benefits Program. It is a government plan that provides health insurance for most of the Senators in both parties and their families, and it establishes minimum standards for the health insurance we receive as Members of Congress so we do not end up buying health insurance that is worthless when we need it. The government picks up a share of the cost—70 percent or so, I believe—and we pick up the rest. If you decide in the open enrollment period of each year that you want to change your insurance company, you want more coverage, then you are going to pay a higher premium out of your paycheck. The government pays a share of it, but you will pay a higher premium. that is something like an insurance exchange. In Illinois, my wife and I, through the Federal employees program, can choose from nine different private health insurance plans. It is a dream come true that most Americans never, ever experience: competition and choice.

That is at the heart of health care reform. We want to give to people across America the same thing we have as Members of Congress. I have yet to hear the first Senator come and stand in this well or stand before a microphone and say: The Federal Employees Health Benefits Program is socialism. It is a government-run health care program and it mandates benefits, and therefore I cannot in good conscience insure my family with it, and I am turning in my Federal employees health insurance. Not one. Yet when we suggest that for the rest of America, they say: This is an awful idea. It will never work.

It has worked for 40 years in providing private health insurance for Members of Congress and Federal employees. It is what we want to make available for small businesses, which have no choices. If Members on the other side think this is such a bad idea, I want them to march down the middle of this aisle and say: We are giving up our Federal Employees Health Benefits Programs today; it is such a bad idea. But they will not because it is a great program and it works and it gives us choice and it empowers us as consumers. If we do not like the way we are treated by an insurance company, we can shop for another one next year in open enrollment.

So to argue insurance exchanges are some radical notion—really? We live with it every day as Members of Congress. Don't the people of America deserve as good of insurance as their Members of Congress? That is the starting point in this debate. I think they do.

Secondly, when it comes to whether health care reform is going to add to the deficit, we can debate that for a long time. But the people who are the experts, the umpires, and referees, are from the Congressional Budget Office. They came back and told us: If you do this health care reform, you will reduce the deficit by over $100 billion in the first 10 years and by over $1 trillion in the second 10 years. That is it. They looked at it. They analyzed it, and they concluded it. I hear Members come to the floor and say: Oh, this is just going to run the deficit up to higher levels than we have ever seen before. There is no evidence of that. The CBO analysis comes out with exactly the opposite position.

This argument about heaping a new burden on Governors because there will be more people on Medicaid—Medicaid is health insurance for the poor and disabled in America, and the Federal Government pays at least 50 percent of the cost of it. It is true the States have to assume a burden. But it also says to the State of Illinois, with 11 percent unemployment, when people lose their jobs and lose their health insurance and go on Medicaid, the Federal Government is going to pick up, in this case, 62 percent of the cost of these Medicaid recipients in my State of Illinois, and 38 percent is going to be picked up by the State. So Governors can say Medicaid is a terrible thing. What is the alternative? More uninsured people in your State showing up seriously ill and needing treatment, being treated as charity patients? Is that the alternative?

I have listened carefully while the people on the other side of the aisle for over a year have criticized every idea we have come forward with on changing the health care system and making it more affordable. I have yet to see them come forward with any kind of comprehensive bill. They have ideas, and some of them are not bad, but they have never put them together in a bill and brought them to the floor. We have. That is the responsibility of governing.

There are other elements here too. The Senator from Florida is naturally concerned about senior citizens, and he should be. His State has a lot of snow birds from Illinois going down to Florida who spend their winters there and some of them end up becoming permanent residents. They love the nice climate in your State. We miss it. We go visit too, I might add. But the point is if we do nothing about Medicare, it is going to run out of money in 9 years. It will run out of money and 40 million people plus will wonder why Congress didn't act.

The health care reform bill adds 10 more years to the life of Medicare. It closes the gap known as the doughnut hole in prescription drug coverage under Medicare, and it gives every senior citizen a free annual checkup so they can at least get in to see a doctor and find out if something has happened that might be stopped early and avoid a major expense or major illness. Those are dramatically positive improvements in Medicare.

Are we going to have to take some money out of Medicare spending? Yes. Why? Because we have waste in the system and things that need to be reconciled. For the Senator from Florida, let me give a couple of illustrations. I lived in Springfield, IL. The average expenditure annually for Medicare recipients in my hometown is $7,600 a year average. The average in Chicago, IL, for Medicare recipients is $9,600 a year. The average expenditure for Medicare recipients in Miami, FL, is $17,000 a year. Miami may be a little bit more expensive than Chicago—we can argue that point—but is it twice as expensive? I don't think so. I want to know why. Why does it cost so much more in Miami, FL, and in McAllen, TX, for Medicare patients than it does in Chicago or Springfield or Rochester, MN? And are there ways to save money without compromising quality?

Senator MICHAEL BENNET of Colorado offered an amendment adopted on the floor that said when we get done cutting waste and fraud, we are not going to cut the basic benefits under Medicare. We are on record. That is part of the bill. That is part of the health care reform bill. We could make Medicare better and stronger and save money. There are a lot of things being ripped off in Medicare. Turn on late-night TV and watch all the come-on ads for people to come and get something they may or may not need and Medicare is going to take care of it. Those are the things we ought to take a look at and I think it is well worthwhile.

Let me also say this: We cannot as a nation address the problems of health care with 50 million people uninsured and the numbers growing dramatically. Our proposal will put 30 million of those under the protection of Medicaid and health insurance through exchanges. We will provide, thanks to the leadership of Senator NELSON of Nebraska, up to 2 or 3 years with the Federal Government picking up every penny of the cost for the new Medicaid recipients; then, beyond that, high amounts—90, 95 percent—for several years. It is a reasonable transition for the States to absorb people who are now uninsured presenting themselves for care.

We end up with 30 million people with coverage. The Republicans' best effort addressing the 50 million uninsured in America covered 3 million. We can do better. We need to do better as a nation. Uninsured people show up at

hospitals, incur costs, and pass them along to other people. I think we need to move forward on health care reform.

I had a call in my office on a Saturday. I was sitting around doing a few things at my desk by myself in my office and the phone rang in Springfield and a lady was calling from Nokomis, IL, which is not too far away from Springfield, in Montgomery County. It is a small town with a lot of retired farmers and a lot of conservative folks I have represented in Congress for a long time.

She said: Senator, whatever you do, don't vote for health care reform.

I said: Do you have health insurance?

She said: We do. My husband and I have health insurance.

I said: You can keep it. If you want to keep it, you can keep it. We are not changing that.

Well, I just worry about the government getting involved in it, she says. She says, When government gets involved in insurance, I am not sure it is a good thing.

I said: Is anybody in your family on Medicare?

Well, sure. We have all signed up for it and my mother who is 85 is on Medicare and recently had a surgery, major surgery at Memorial Medical Center in Springfield.

How is she doing?

Just fine.

I said: I am glad your mom could depend on Medicare to pick up the bills for the surgery and didn't have to exhaust her savings or sell whatever property she has left in this world. But that is a government health insurance plan, ma'am. It has been there for all of us. My contributions out of my paycheck help pay your mom's medical bills and that is just fine with me, because I think we are all in this American family and we should watch out for one another.

Well, she didn't see it that way and I am sure I didn't convince her. The phone is ringing off the hook in all the offices of Senators and Congressmen for and against this idea. There is a lot of misunderstanding out there. I think this is an important step forward for America. We have put a lot of blood, sweat, and tears in this effort and now we need to get it done. We need to give the American people an alternative, because watching health insurance premiums go up the way they are going up is unsustainable. Businesses can't afford it; individuals can't afford it; our Nation cannot afford it.

For those who stand on the floor and have different ideas, that is your right. As a Member of the Senate, that is your right—maybe your responsibility. But I also think you have a responsibility to come forward with your plan, with your idea, unless you think everything is fine and we ought to leave it the way it is; we shouldn't worry about the uninsured; we shouldn't be concerned about the increases in health insurance premiums; we shouldn't worry that Medicare is going to go broke in 9 years. If you think those are things that we should push aside and, as some say, let's start over, let's do baby steps, let's think about it later, let's go back to it next year, that is a point of view, but I don't think that is the responsibility we have as Members of the Senate to address the issues facing our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I wish to commend my senior Senator from Illinois for his comments on health care and what we must do in this body to pass health care. It is long overdue. It is time for us to work with our colleagues in the House of Representatives to make sure we cover those 50 million Americans who are uninsured.

URBAN PREP ACADEMY

I wish to do a little presentation here for some young men from Chicago. In 2006, a brandnew school opened its doors to the community of Englewood on the south side of Chicago. This school is called the Urban Prep Charter Academy for Young Men. It was designed to provide quality education to an area desperately in need of a new approach.

Local schools were failing. Last year, 93 percent of the public high school students in the neighborhood were classified as low income. The public school attendance rate was around 60 percent. The local high school ranked 81st out of 98 Chicago public schools in terms of preparing students to succeed on college entrance exams such as the ACT.

Until 2006, there were few places to turn. Most residents were unable to afford to send their sons or daughters to expensive private schools. It seemed inevitable that these young people would face an uphill fight to graduate from high school, let alone move on to get a college education and find a good career. It seemed as though there was no alternative and no way to break the cycle.

But then, in 2002, a group of African-American business persons, educators, and civic leaders came together under the leadership of a young man by the name of Tim King, and they decided to find a solution. They started a nonprofit organization designed to give local residents the tools to succeed in college and to build a better future for themselves. They saw beyond the low-income level and the stereotypes and the destructive cycle that kept the neighborhood schools from succeeding. So, in 2006, the Englewood campus of Urban Prep Charter Academy admitted its first class of students.

Many charter schools are able to cherry-pick their students, selecting from the cream of the crop to ensure a high success rate, but the founders of Urban Prep rejected this idea. They looked at the kids in the Englewood public schools and they saw that every one of them had the potential for success, if given the opportunity. So they selected students based on a lottery system rather than strictly by the numbers. Some 400 names went into the barrel and the names were drawn from the barrel.

Today, the very first class of Urban Prep students is preparing for their graduation date. While other local schools have had attendance rates of only 60 percent, Urban Prep maintained an attendance rate of 91 percent. The local public school ranked 81st at preparing their students for the ACT with an average score of 13.4, but Urban Prep is ranked third, with an average ACT score of 16.5.

When the class of 2010 enrolled in Urban Prep in 2006, only 4 percent of these students were reading at grade level. But today, as their commencement date draws near, I am proud to say that every one of them—100 percent of the first-year class—has been accepted to a 4-year college. Not only that, they were accepted with scholarships, 4-year scholarships.

This is an extraordinary success story. This is a testament to the vision of Tim King and the faculty and staff that he and other local leaders have assembled. I applaud them for their dedication and I congratulate them on this outstanding achievement. Most of all, though, this is a testament to the students of Englewood and to all of the other communities in Chicago—the students who broke the cycle and proved they do have the talent, the skill, and the drive to succeed, if only they were presented with the opportunity. Thanks to Urban Prep and the leadership of those who founded this organization, these students got that chance.

But the story doesn't end here. In August of 2009, a second Urban Prep campus opened its doors in East Garfield Park, and later this year a third school will open in South Shore, extending the reach of this great organization and expanding the opportunity for Chicago students to realize their dreams.

So in the coming months, as my colleagues and I take up President Obama's update on No Child Left Behind, I urge them to remember success stories such as this one. As we reexamine our educational priorities, I hope we can move in a direction that will provide investment in public schools that need assistance as well as organizations such as Urban Prep. Organizations that grow out of local communities demonstrate a shared interest in seizing the best future for our children. We need to invest in communities such as Englewood and East Garfield Park and South Shore and dozens of others in Chicago and across the country. We need to make sure more and more students have the opportunity to succeed so they can go to college, find a career, and become productive members of our society and, as I always say, become an asset to society and not a liability to society.

It really does take a village to educate these young people. It takes a

steadfast commitment to education and a vision such as the one Tim King shared with others in his community back in 2002. As a member of Sigma Pi Phi fraternity, we played a minor role in assisting Urban Prep with our fundraising efforts to contribute to the purchase of a uniform for these young men. We also make ourselves available to go there and work with them during career day to point out our successes and opportunities to challenge them to do no less than what we were able to do. So the men of Sigma Pi Phi worked with these young men at Urban Prep and we made sure that we made a similar contribution to the overall efforts.

Let us renew our investment in America's education system. Let us affirm our priorities for young people today and make sure every one of them has a chance to get the education they deserve. Together, we can build more success stories such as Urban Prep, and that is what we must do. Urban Prep is a public school so, therefore, we do not have to be dedicating all of the resources commitment to the private schools. We can educate our young people in the public system.

I thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate resume consideration of H.R. 1586 at 2:15 p.m., Tuesday, March 16; further, that during any recess, adjournment or period of morning business, postcloture time continue to run; and that after the convening of the Senate at 9:30 a.m., Wednesday, the Senate resume consideration of the House message with respect to H.R. 2847, and all postcloture time be considered expired, the motion to concur with an amendment be withdrawn, and no further amendments or motions be in order, except as provided in the DeMint motion to suspend; that it be in order for Senator DEMINT to offer a motion to suspend the rules in order to offer an amendment, and that if the motion is offered, Senator DEMINT be recognized for up to 10 minutes; that upon disposition of the DeMint motion, the Senate then vote on the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. 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. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE SERVICE OF JOHN HATCHER

Mr. BROWN of Ohio. Mr. President, I rise to speak about a dear and trusted friend, not just for me and my family but for the people of Lorain County, OH. John Hatcher was a man of conscience and courage. His commitment to the highest ideals is unwavering, even in the face of criticism and attempts to silence him.

In large and small ways, John Hatcher has done more for the working men and women of Lorain County and organized labor than anyone else I know. John is a retired United Auto Workers member from the Ford Motor Company Ohio assembly plant in Avon Lake.

For generations, the plant helped build Lorain's middle class—the same way that American manufacturing built America's middle class. He has long held a position of leadership in the labor movement, and his loyalty to his fellow workers and to those who champion them has never wavered. He is still president of the Lorain County UAW CAP Council and a board member of the Lorain County Labor Agency.

He has chaired the Lorain County Labor Day Festival Committee for several years—an event that attracts thousands of Lorain County families to celebrate the accomplishments and heritage of organized labor. And every month, John finds time to deliver food to the elderly through the Lorain County Office on Aging.

For the many years I have known John—two-and-a-half decades, perhaps—he has been a fighter who is not afraid to stand up for what he believes. And as he battles cancer, John is displaying the same vigor, the same fighting spirit. Yesterday, hundreds of friends, families, and elected officials joined in honoring John with the Lorain County AFL–CIO Lifetime Achievement Award.

John said—and I was standing with him—''I haven't been out in the community much the past few months, but as the warm weather comes, I will be back out soon.''

In many ways, John's presence is always felt in Lorain—through the workers he has helped and for the causes which he has championed. He is a tireless champion for working men and women. He has made an invaluable contribution to the labor movement.

You never wonder where you stand with John Hatcher. He is the best kind of friend. He stands sturdy at your side in the highest winds, but is also willing to rein you in if you are getting too full of yourself. He is one of the kindest people I know, always greeting his friends with a twinkle in his eye and the hug of a man twice his size.

Of all his accomplishments, the hours of labor spent at the factory, in the union hall, or on the picket line fighting for others, if you asked John, his proudest achievement is being a devoted husband to Carol—one of my favorite people—and a loving father to 6 children, 13 grandchildren, and 7 great-grandchildren.

Thank you, John, for your service to the working men and women of Lorain County, for your service to the State of Ohio, and for your service to our Nation. Connie and I are honored to consider you our dear friend.

TRIBUTE TO MARILYN ROBERSON

Mr. BROWN of Ohio. Mr. President, I rise today to honor Marilyn Roberson of Massillon, OH, a proud grandmother of five Eagle Scouts. This year, the Boy Scouts of America celebrates its hundredth anniversary of service to our Nation. Already this year, I have attended Boy Scout celebrations and Eagle Scout Courts of Honor across my State.

Around Ohio and our Nation, families and friends, community and business leaders, are celebrating Scouting's commitment to service, to protecting the outdoors—some of the original environmentalists—and to instilling the values of faith and fellowship.

Growing up in Mansfield, OH, a city of 50,000 in north central Ohio—an industrial town—my parents instilled in my brother and me our own values of compassion and commitment to community. My two brothers and I are Eagle Scouts and my mother wore a charm bracelet representing each of her Eagle Scout sons. I always claimed my Eagle Scout emblem was larger than my brothers'. She always denied that.

In many ways, Scouting's commitment to family and community laid the groundwork for my years in public service—as it has for the Eagle Scouts now in elected office in this body—I think there are 6 others in the Senate—or executives in boardrooms, teachers in classrooms, or just model citizens everywhere in our country.

On March 20, 2010, the Boy Scouts of America, Venture Crew 10 of Massillon, OH, will hold an Eagle Court of Honor for five young men who will become Eagle Scouts. Among the Eagle Scouts will be Andrew and Timothy Bushman, who will become the fourth and fifth grandsons of Mrs. Marilyn Roberson to become Eagle Scouts.

Marilyn Roberson is now 86 years old, and like many of our role models she has taught her grandchildren the capacity for selflessness, and to have the confidence to serve with humility and honor. I knew Marilyn's late husband Al 25 years ago, when I first met Al and Marilyn and several of their children. Al grew up in Tupelo, MS, across the street from Elvis Presley, then moved north, started a business, was very successful, and always—always—Marilyn and Al and their children gave back to the community.

I congratulate Andrew, Timothy, their fellow Eagle Scouts, Ian Christopher McKinney, Mathew Michael McKinney, and Michael David Ternaux, for earning this important honor. I congratulate Eagle Scouts across Ohio—there are hundreds of New Eagle Scouts every year—for earning this

honor and taking part in a great American tradition, which asks you to live with honor and loyalty and act with courage and service.

It is a creed of common purpose and community service based on the Scout oath, ever present in the 12 points of the Scout law.

While each of you as Eagle Scouts will forever be an Eagle Scout, your accomplishments are not easily defined by the number of badges earned but, rather, the character and dignity you show in earning them. For Andrew and Timothy, that dignity has been shaped by your remarkable grandmother, Mrs. Marilyn Roberson. Thank you, Mrs. Roberson, for your dedication to your family and for your service to our great State and for the legacy you have created for so many.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SANDRA MASON

Mr. BYRD. Mr. President, I have often talked about the importance of the many professional staff members and various support services that allow for the proper functioning of this great institution, the U.S. Senate. These individuals and offices are rarely mentioned in newspapers or history books, but they work many long hours with great energy, exceptional skill, and admirable adherence to high quality work. As a result, the contribution of such dedicated public servants greatly assists the work we do as Senators; they make our work more pleasant and productive than otherwise would be possible.

An example of the sense of pride and loyalty that Senate employees bring to their daily responsibilities is the career of Mrs. Sandra Mason, who prior to her retirement was the Director of Protocol and Foreign Travel for the Senate Committee on Foreign Relations. Mrs. Sandra Mason, who was known to her many friends in the Senate as ''Sandy'' served on the staff of that committee from 1979 through 2008, when she completed her Federal employment. As one can easily imagine, this is a position of considerable responsibility, which in no small part determines the successful hosting of high-level foreign dignitaries visiting the Senate, as well as the efficient operation of official Senate delegations traveling abroad. I remember that when I traveled on Senate business accompanied by my dear wife Erma, Sandy Mason's hard work and expert aplomb made all the difference for a memorable and very positive undertaking.

During her entire extraordinary career, which commenced with employment with Senator Hubert H. Humphrey in 1971, Sandy earned the love, respect, and praise of all those who worked with her and came to know her.

Sandy passed away on Monday, March 8, 2010. She will be greatly missed but certainly not forgotten. I extend warm personal condolences to her husband Ronald, her son Aaron, and all of her beloved family, and offer my sincere wishes that she, and they, receive the Blessings of our Creator.

Let fate do her worst, there are relics of joy,
Bright dreams of the past that she cannot destroy,
That come in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled,
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase if you will,
But the scent of the roses will hang round it still.

Scent of the Roses
—by Thomas Moore

STATE DEPARTMENT HUMAN RIGHTS REPORTS

Mr. CARDIN. Mr. President, this month's release of the State Department's annual Country Reports on Human Rights Practices shows the value of consistently monitoring human rights around the globe.

As Chairman of the U.S. Helsinki Commission charged with monitoring international human rights commitments in 56 countries from the U.S. and Canada to Europe and Central Asia, this annual report is a key tool that we, and others, use to track progress being made on universal freedoms.

This year's reports have increased significance as 2010 is the 35th anniversary of the Helsinki Final Act and the 20th anniversary of historic international human rights agreements, the Copenhagen Document, and the Charter of Paris for a New Europe.

In a year commemorating such landmark human rights documents, this month's State Department reports remind us that many of the commitments countries made in the past still have not been met with meaningful action today.

In Belarus, where I visited last summer, the political space for opposition remains tightly controlled, independent media face continual harassment, and elections are a farce.

The overall situation in Russia remains disturbing as well. There 2009 was a year again filled with mourning the very people who stood for freedom, be they journalists, human rights advocates or lawyers simply trying to present a case against corruption. The country's harassment of Jehovah's Witnesses and forceful break up of public demonstrations remain particularly concerning.

I urge Kazakhstan, as the current chair of the OSCE, to lead by example through concrete actions, starting with the release of activist Yevgeny Zhovtis, whom staff from the Helsinki Commission visited this week in prison. Zhovtis at least deserves the same freedoms afforded other prisoners in his facility, including the right to work outside the facility during the day.

In Kosovo, in addition to problems with human trafficking, official corruption and a lack of judicial due process, the State Department notes the lack of progress regarding displaced persons of all ethnicities, politically and ethnically motivated violence, and societal antipathy against Serbs and the Serbian Orthodox Church. The lack of progress regarding the country's international recognition, while unfortunate, does not absolve Kosovo authorities from their responsibility to ensure greater respect for human rights and adherence to the rule of law.

Assistant Secretary of State for Democracy Human Rights and Labor Michael Posner, who serves as the State Department Commissioner on the U.S. Helsinki Commission, did a superb job of unveiling the report today with Secretary of State Hillary Clinton.

I was heartened to hear him specifically flag examples of 2009 human rights violations within the OSCE region that drew the attention of the Commission last year. The banning of construction of Muslim minarets in Switzerland, the pervasiveness of discrimination against Roma—Europe's largest ethnic minority, and the continued rise of anti-Semitism in Europe sadly still remain concerns this year.

While these country reports help to hold all governments—including our own—to account; and while much of their text shows the reality of a world troubled by violent conflicts and the mistreatment of our most vulnerable people; the State Department reports also show the positive that surrounds us.

In this vein, Assistant Secretary Posner was right to mention the fairness of Ukraine's recent elections, for which my colleague Cochairman HASTINGS led the election observation mission. And the reports are eager to cite progress where appropriate.

But these reports affirm something else, and that is the strength of the legislative-executive branch cooperation when it comes to upholding universal standards. The Helsinki Commission is unique among all federal agencies for being comprised of Senate, House and executive branch commissioners, and Assistant Secretary Posner's activity with the Commission

and the State Department's annual human rights reports mandated by Congress are but two examples of our two branches working together to keep a spotlight on human rights abuses.

CONTRIBUTIONS OF PHARMACIES ACROSS THE COUNTRY

Mrs. HAGAN. Mr. President, today, I am proud to recognize the contributions of our Nations' pharmacies to the American health care system. Over 200 members of the pharmacy community—including practicing pharmacists, pharmacy school faculty and students, state pharmacy leaders, and pharmacy company executives—will come together to highlight the importance of supporting policies that protect access to neighborhood pharmacies and utilizes pharmacists to improve quality and reduce health costs.

Currently, there are over 50,000 community pharmacies operating nationwide. Pharmacists are one of the Nation's most accessible health care providers, and nearly all Americans live within about 2 miles from a community retail pharmacy. Pharmacy has a long history of receiving, filling, billing, and dispensing prescriptions in tandem with counseling. But pharmacists, utilizing their specialized education, also play a major role in medication therapy management, disease state management, immunizations, health care screenings, and other health care services designed to improve patient health and reduce overall health care costs.

Pharmacists help patients adhere to their medications to improve health outcomes and reduce the risks of adverse events and unnecessary costly hospital readmissions and emergency room visits. Pharmacists are uniquely qualified to work with patients to help manage their medications and play an essential role in helping them take their medications as prescribed. Unfortunately, only 50 percent of Americans living with chronic diseases adhere to their drug regimens. Patient nonadherence costs the Nation's economy an estimated $290 billion each year, not to mention the avoidable loss of quality of life for patients and their loved ones. Congress recognized the important role of local pharmacists when it included a medication therapy management, MTM, benefit in Medicare Part D. As we have seen the increasing power of this benefit in improving patient health outcomes, I support community pharmacy's efforts to strengthen the MTM benefit so it is available for seniors and others struggling with chronic conditions and other illnesses.

As the face of neighborhood health care, pharmacies across the Nation offer these and other cost-saving programs and services to help patients take medicines they need to achieve positive results from appropriate use of their medications. For more than a century, pharmacies and pharmacists have made a difference in the lives of people in North Carolina and the rest of America. In order to ensure pharmacies continue to exist in our local communities, pharmacists deserve fair reimbursements for the cost effective medications that they dispense.

Today, I celebrate the value of pharmacy and support efforts to protect access to neighborhood pharmacies and utilize pharmacies to improve the quality and reduce the costs of health care. Finally, I would like to congratulate over 200 pharmacy leaders, pharmacists, students, and executives and the pharmacy community for their contributions to the good health of the American people.

ADDITIONAL STATEMENTS

TRIBUTE TO S. MARK McCURRY

• Mr. VITTER. Mr. President, today I wish to recognize S. Mark McCurry, who has served as parish administrator of Calcasieu Parish for more than 20 years. He will retire on April 3, 2010, and I would like to take some time to make a few remarks on his accomplishments and contributions to the Louisiana community.

Mr. McCurry started his career with Calcasieu parish as assistant administrator in 1976. In 1983 he was named Outstanding Young Man of Lake Charles, thus beginning a notable career as a public servant. Furthering his career with Calcasieu parish, in 1988 he became parish administrator, and he continued making great strides for the State of Louisiana. In 1999, Mr. McCurry was named Appointed Public Official of the Year by the Calcasieu Chapter of the National Association of Social Workers and in 2003 he was the recipient of the statewide Public Service Award given by the Louisiana Public Health Association.

In addition to his time as parish administrator, Mr. McCurry served Louisiana in many other arenas. He sat on the board of directors of First Federal Bank of Louisiana and was chair of the Board of Trustees of the United Methodist Foundation of Louisiana. He also presided as president of the Organization of Parish Administrative Officials of the Louisiana Police Jury Association.

Mr. McCurry has been credited with ''raising the level of professionalism in police jury affairs,'' as well as, ''making local governments work together more effectively.'' He has been a great asset for the State of Louisiana.

Thus, today, I am proud to honor a fellow Louisianan, Mr. S. Mark McCurry, for his distinguished service to Calcasieu Parish and to the State of Louisiana.•

MESSAGES FROM THE HOUSE

At 2:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3650. An act to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia.

H.R. 4506. An act to authorize the appointment of additional bankruptcy judges, and for other purposes.

At 3:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that Mr. SCHIFF, Ms. ZOE LOFGREN, of California, Mr. JOHNSON of Georgia, Mr. GOODLATTE, and Mr. SENSENBRENNER are appointed managers on the part of the House to conduct the trial of impeachment of G. Thomas Porteous, Jr., a Judge for the United States District Court for the Eastern District of Louisiana, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following: (1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 15, One Hundred Eleventh Congress, agreed to January 13, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary. (2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4506. An act to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3650. An act to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2314. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2865. A bill to reauthorize the Congressional Award Act (2 U.S.C . 801 et seq.), and for other purposes (Rept. No. 111–163).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1789. A bill to restore fairness to Federal cocaine sentencing.

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 Ms. KLOBUCHAR (for herself, Mrs. GILLIBRAND, and Mr. BEGICH):

S. 3110. A bill to improve consumer protection for purchasers of broadband services by requiring consistent use of broadband service terminology by providers, requiring clear and conspicuous disclosure to consumers about the actual broadband speed that may reasonably be expected, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 3111. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. ENZI):

S. 3112. A bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end certain travel restrictions to Cuba; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. LEVIN):

S. 3113. A bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 3114. A bill to improve communication to consumers when there is a food recall; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. BURR):

S. 3115. A bill to amend the National Telecommunications and Information Administration Organization Act to enhance and promote the Nation's public safety and citizen activated emergency response capabilities through the use of 9–1–1 services, to further upgrade public safety answering point capabilities and related functions in receiving 9–1–1 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 3116. A bill to amend the Whale Conservation and Protection Study Act to promote international whale conservation, protection, and research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3117. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio:

S. Res. 454. A resolution supporting the goals of World Tuberculosis Day to raise awareness about tuberculosis; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. SPECTER, Ms. SNOWE, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. MIKULSKI, Mr. CARDIN, and Mr. LEVIN):

S. Res. 455. A resolution honoring the life, heroism, and service of Harriet Tubman; considered and agreed to.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) 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. 437

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 437, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 493

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 649

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 678

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 695

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 695, a bill to authorize the Secretary of Commerce to reduce the matching requirement for participants in the Hollings Manufacturing Partnership Program.

S. 850

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Illinois (Mr. DURBIN) 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. 1683

At the request of Mr. BENNET, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1765

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1765, a bill to amend the Hate Crime Statistics Act to include crimes against the homeless.

S. 1789

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2805

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2805, a bill to amend the Food and Nutrition Act of 2008 to increase the amount made available to purchase commodities for the emergency food assistance program in fiscal year 2010.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2908, a bill 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, and for other purposes.

S. 3028

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3028, a bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare program.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3065

At the request of Mr. LIEBERMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of 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.

S. 3079

At the request of Mr. MERKLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3079, a bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials and for other purposes.

S. 3108

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3108, a bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget.

S. CON. RES. 54

At the request of Mr. NELSON of Florida, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Idaho (Mr. RISCH), the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Con. Res. 54, a concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

S. RES. 412

At the request of Mrs. GILLIBRAND, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 412, a resolution designating September 2010 as ''National Childhood Obesity Awareness Month''.

S. RES. 451

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 451, a resolution expressing support for designation of a ''Welcome Home Vietnam Veterans Day''.

S. RES. 452

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. Res. 452, a resolution supporting increased market access for exports of United States beef and beef products to Japan.

AMENDMENT NO. 3464

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3464 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3465

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3465 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3470

At the request of Mr. FEINGOLD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 3470 proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3474

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3474 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3486

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. BROWN), the Senator from Oregon (Mr. MERKLEY), the Senator from Illinois (Mr. BURRIS) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 3486 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3487

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3487 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3497

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3497 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3504

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3504 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

AMENDMENT NO. 3506

At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 3506 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. CORNYN):

S. 3111. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week, the Nation commemorates Sunshine Week—a time to educate the public about the importance of open government. In recognition of Sunshine Week 2010, I am pleased to join with Senator CORNYN to introduce the Faster FOIA Act of 2010, a bill to improve the implementation of the Freedom of Information Act, FOIA.

Senator CORNYN and I first introduced this bill in 2005 to address the growing problem of excessive FOIA delays within our Federal agencies.

Our decision to reintroduce the Faster FOIA Act this year is the most recent example of our bipartisan efforts to help reinvigorate FOIA.

Today, thanks to the reforms contained in the Leahy-Cornyn OPEN Government Act of 2007, millions of Americans who seek information under FOIA will experience a process that is much more transparent and less burdened by delays. In 2009, President Obama signed the OPEN FOIA Act into law. That bill is the result of another successful collaboration with Senator CORNYN and me that is making the process for creating new legislative exemptions to FOIA more transparent.

While both of these legislative accomplishments are strengthening FOIA, more reforms are needed.

According to the Department of Justice's Freedom of Information Act Annual Report for fiscal year 2009, the Department had a backlog of almost 5,000 FOIA requests at the end of 2009. The Department of Homeland Security's report for the same period shows a backlog of 18,918 FOIA requests. These mounting FOIA backlogs are simply unacceptable.

The Faster FOIA Act will help to reverse these troubling statistics by establishing a bipartisan Commission to examine the root causes of agency delay. The commission created by this bill will make recommendations to Congress for reducing impediments to the efficient processing of FOIA requests.

The commission will also examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. Lastly, the commission will be made up of government and non-governmental representatives with a broad range of experience in both submitting and handling FOIA requests, in information science, and in the development of government information policy.

Thomas Jefferson once wisely observed that ''information is the currency of democracy.'' I share this view. I also firmly believe that the Faster FOIA Act will help ensure the dissemination of Government information, so that our democracy remains vibrant and free.

I have said many times that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. As we celebrate Sunshine Week, it is in this bipartisan spirit that I join Americans from across the Nation in celebrating an open and transparent government. I urge all of my Senate colleagues to support the Faster FOIA Act.

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. 3111

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

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the ''Faster FOIA Act of 2010''.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the ''Commission'') for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1)—

(A) at least 1 shall have experience in submitting requests under section 552 of title 5, United States Code, to Federal agencies, such as on behalf of nonprofit research or educational organizations or news media organizations; and

(B) at least 1 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government; and

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Comptroller General of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

By Mr. LEAHY (for himself and Mr. LEVIN):

S. 3113. A bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to introduce the Refugee Protection Act of 2010. This week marks the thirtieth anniversary of the Refugee Act, which was signed into law on March 17, 1980. In the years since, our statute and case law have evolved in ways that place unnecessary and harmful barriers before genuine refugees and asylum seekers. This bill, which is cosponsored by Senator LEVIN of Michigan, will restore the U.S. as a beacon of hope for those who suffer from persecution around the world.

The Convention Relating to the Status of Refugees was negotiated in 1951 to protect those who suffered persecution in war-torn Europe prior to 1951, yet the U.S. did not sign it at that time. In 1967, the U.S. signed and ratified a Protocol to the Convention, which expanded its geographic and temporal scope, establishing a definition of refugee that applied around the world. It was not until 1980, however, that Congress enacted implementing legislation to bring our laws into compliance with the Convention and Protocol. During the intervening years, our Government acted in an ad hoc manner to bring in refugees fleeing Southeast Asia by boat, to protect Jews and other refugees from the Soviet bloc, and to provide safety for victims of persecution in Africa. Our Nation acted generously in those years, providing aid and relief, but our policies needed to be grounded in law.

The Refugee Act of 1980 was championed by the late Senator Edward Kennedy, who fought for decades to protect victims of persecution who had been forced to flee their home nations,

leaving behind livelihood, family, and security. I supported the Refugee Act in the 96th Congress, and voted for it when it passed the Senate. When the Senate debated the bill, Senator Kennedy spoke of its dual goals: to ''welcome homeless refugees to our shores,'' thereby embracing ''one of the oldest and most important themes in our Nation's history,'' and to ''give statutory meaning to our national commitment to human rights and humanitarian concerns.'' 125 Cong. Rec. 23231–32 Sept. 6, 1979.) We lost our dear friend last year, but we can honor Ted Kennedy's memory by carrying forward the mantle of refugee protection.

The Refugee Protection Act of 2010 contains provisions of a bipartisan bill that I previously introduced in the 106th and 107th Congresses to repeal the most harsh and unnecessary elements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, a law that had tragic consequences for asylum seekers. It also corrects agency and court misinterpretations of law that limit access to safety in the U.S. for asylum seekers. Finally, it modifies the immigration statute to ensure that innocent persons with valid claims are not unfairly barred from the U.S. by laws enacted after September 11, 2001, while leaving in place provisions that prevent dangerous terrorists from manipulating our immigration system.

In the years since the Refugee Act was enacted, over 2.6 million refugees and asylum seekers have been granted protection in the U.S. I am proud that my home State of Vermont has long welcomed refugees and helped these new Americans to rebuild their lives. More than 5,300 refugees have been resettled in Vermont since 1989, from countries as diverse as Burma, Bhutan, Somalia, Bosnia, and Vietnam. In the early days of resettlement, Vermont accepted refugees fleeing persecution from Southeast Asia and the Soviet Union, and from the war in the former Yugoslavia and the genocide in Rwanda.

Vermonters' welcoming spirit is illustrated by the ''Lost Boys'' of Sudan. Beginning in the 1980s, thousands of boys in Sudan traveled hundreds of miles by foot to escape war and ethnic and religious-based persecution. Some had seen family members killed before their eyes. They walked from nation to nation, searching for safety in Ethiopia and Kenya, before reaching camps that helped them find a permanent and secure home in the U.S. The first group of Lost Boys arrived in Vermont in 2001. Many of them have thrived. I am proud that a number of them are now college graduates, and some have attended graduate school.

Vermonters have made a strong and sustained commitment to assisting refugees with resettlement. Caseworkers and volunteers help new Americans adjust to the new culture, learn English, and navigate daily life, from grocery shopping to public transportation, to school and sports programs for their children. The Vermont Refugee Resettlement Program has led the effort with its compassionate and experienced staff, and a roster of more than 250 volunteers. I also want to recognize the organizations, churches, synagogues, and libraries in Vermont that have offered support, contributions of food, clothing, furniture, English classes, tutoring, and perhaps most importantly, companionship and friendship to refugees resettled in our state. These groups include the Vermont Refugee Resettlement Program, Vermont Immigration and Asylum Advocates, the Association of Africans Living in Vermont, the Vermont Agency of Human Services-State Refugee Coordinator, Vermont Interfaith Action, the Housing Resource Center, the Salvation Army, the First Congregational Church of Burlington, the Cathedral Church of St. Paul, the Roman Catholic Diocese of Burlington, the Islamic Society of Vermont, Ohavi Zedek Synagogue, the Fletcher Free Library, and Vermont Adult Basic Education. These volunteers and organizations demonstrate the Vermont spirit of tolerance and generosity. They deserve our thanks and praise.

I am proud of the Vermonters who have devoted countless hours to help victims of persecution build new lives in our state. And I am continually amazed by the resilience of the refugees and asylees in Vermont. Refugees in Vermont enrich the communities in which they live, opening small businesses, farming, and participating in cultural activities. They put all they have at risk to reach the U.S., and once here, strive each day to make our country better and to give their children every opportunity that America offers.

The bill I introduce today will give refugees and asylum seekers a fair chance of finding safety in the U.S. For those who seek asylum, it eliminates the requirement added to the law in 1996 that asylum applicants file their claim within 1 year of arrival. By definition, worthy asylum applicants arrive in the U.S. after suffering serious harm abroad, often experiencing post-traumatic stress. They often must spend their first months here learning the language and adjusting to a culture that in many cases is extraordinarily different from the one they know. I understand the desire to have asylum seekers submit timely applications, but the 1-year rule was deemed unnecessary by the Immigration and Naturalization Service when it was enacted. In practice, it has barred genuine applicants from gaining the benefits of our asylum law, resulting in their return to the country in which they were persecuted.

The bill also makes a number of modifications to give asylum seekers a fair opportunity to respond to requests for corroborating evidence, to clarify inconsistencies, and to provide evidence of the persecution they suffered or that which they fear if returned. None of these changes to the law will encourage fraud or frivolous claims; they simply ensure that no asylum seeker is denied the opportunity to present a full application for relief.

The 1996 immigration law created the system called ''expedited removal,'' which enables an immigration officer to prevent certain non-citizens from entering the U.S. I fought against expedited removal in 1996 because I feared that asylum seekers could be turned away from our borders without being given the chance to seek protection. In 2005, the U.S. Commission for International Religious Freedom, a bipartisan Commission established by Congress, documented widespread problems in the implementation of expedited removal. The Refugee Protection Act of 2010 responds to the Commission's findings by requiring that asylum seekers who pass an initial ''credible fear'' interview proceed to an interview with an asylum officer instead of being sent straight to the immigration removal system. Any asylum seeker who is not granted protection by the asylum officer would then be placed in removal proceedings and proceed to an adversarial hearing before an immigration judge.

Under current law, an asylum seeker who arrives at our borders and immediately requests protection is detained. We should not detain people whom our own Government has found to be likely candidates for asylum as if they were awaiting a criminal trial. Moreover, the cost to the Government to detain an asylum seeker for months at a time cannot be justified, especially if they have family members or nongovernmental organizations that are willing to house them and ensure that they appear for their asylum hearing. The Refugee Protection Act would clarify that the Secretary of Homeland Security should release asylum seekers as long as they do not pose risks of flight or to public safety. It would codify DHS guidance announced in December 2009 stating that it is the policy of the U.S. to release asylum seekers who have been found to have a credible fear of persecution and who meet the criteria for release.

The bill also instructs the Secretary to promulgate regulations to authorize and promote the use of alternatives to the detention of asylum seekers, such as releasing them to private nonprofit voluntary agencies. For those who would still be detained, the bill would guarantee access to legal and religious services, humane treatment in detention, and medical care where needed. These changes will reduce the detention of asylum seekers, offer them fundamental due process, and improve the conditions of their confinement in those cases where detention is appropriate. I have long urged an improvement of the shameful conditions of immigration detention, and this need is particularly acute for asylum seekers.

For years, I have fought to modify a law that prevents genuine refugees and

asylum seekers from obtaining protection in the U.S. The law, which contains an overly broad definition of ''material support'' to terrorist organizations, has the effect of barring some who were victims of terrorist organizations. More than 2 years ago, Senator KYL and I worked together to ensure that the Department of Homeland Security had the authority it needed to provide waivers and exemptions in certain ''material support'' cases. The Obama administration convened an interagency process to try to resolve the matter, but thousands of refugees with pending adjustment of status applications are still being held in limbo while the Government studies how to exercise its exemption and waiver authority. This bill contains language that would fix this problem once and for all. The bill modifies definitions in the statute to ensure that innocent asylum seekers and refugees are not unfairly denied protection as a result of the material support and terrorism bars in the law, while ensuring that those with material ties to terrorist activity will be denied entry to the U.S.

This bill makes common sense changes to refugee adjudication and resettlement. It eliminates the 1-year waiting period for refugees and asylees to apply for lawful permanent residence, facilitating assimilation into our communities. The bill also allows certain children and family members of refugees to be considered as derivative applicants for refugee status, as long as they pass standard security checks and expedites the adjudication of family reunification petitions.

The potential effect of these changes is best illustrated by an example. One of the Lost Boys originally resettled in Vermont is a young man named Jacob. He attended my alma mater, St. Michael's College, at some point visited Kenya, got married and fathered twin sons before returning to Vermont. After he became a U.S. citizen, he visited his wife in Kenya again, this time fathering twin daughters. I am happy that my office was able to assist Jacob, and his entire family is now happily living in the U.S. Had the Refugee Protection Act been enacted, Jacob's family might have been reunited much sooner. The bill I introduce today will greatly facilitate family reunification, which is at the core of American values.

This bill will also help children who have been separated from their families during war or flight from persecution. For a child who has been separated from immediate family, and where it is in the best interest of the child, the bill would authorize refugee status and enable such a child to come to the U.S. I am committed to working with the Departments of State and Homeland Security to ensure that the ''best interest of the child'' protects families that are separated for months or years, but later discover that children lost or feared dead can be reunited with their immediate relatives.

The need for such authority is illustrated by a Vermont resettlement case I know very well. After the Rwandan atrocities, Martha believed her son Eric had been killed. A number of years later, she learned that her son was alive and living in the Kakuma refugee camp in Kenya, along with his two young first cousins. Eric had fled the violence with these two boys on his back, and he is the only father figure they have ever known. Martha petitioned to bring her son and nephews to Vermont, but only her son was granted refugee status as a derivative child. Martha had not seen her son for 10 years, but until my office intervened, the case had languished due to miscommunication. After the case was reactivated, Eric had to decide whether to join his mother in Vermont or to stay in the refugee camp to continue caring for his two young cousins. Eric made the heart-wrenching decision to resettle in Vermont. Eight months after Eric arrived, with the help of my office, his two young cousins were successfully resettled with him. Martha is fully employed, just passed her naturalization exam and is about to be sworn in as a U.S. citizen. Eric has been working two jobs, studying, and raising his cousins, who are both doing quite well in school. This case has a happy ending, but it should not have been so hard or taken so long to resolve. The Refugee Protection Act will help to bring families like Martha's together more quickly.

This bill authorizes the Secretary of State to designate certain groups as eligible for expedited adjudication as refugees. Such a change to law would assist those who are at a particularly high risk of harm, such as certain groups of Iraqi refugees, groups targeted for genocide, or gay men in countries that impose the death penalty on homosexuals. Congress has tried to respond to specific crises with Special Immigrant Visas and other limited forms of relief, but something more must be done.

Again, an example is illustrative. An Iraqi family, a mother and two daughters, came to Vermont as refugees from Iraq by way of Syria, after the father had been killed. The son believed his life to also be in danger in Iraq, because he had worked as a driver for a U.S. military contractor. Just before completing the resettlement process, the adult son was forced by Syria to leave the country, and he made his way to Sweden. While he was safe there for a short while, Sweden soon started taking action to deport many Iraqi refugees that it had previously welcomed. The separation was extremely painful for this close-knit family. They were having a difficult time reopening his resettlement case, but my office was able to help this young man finally receive a Special Immigrant Visa for Iraqis Employed on Behalf of the U.S. Government. He was finally reunited with his family in Burlington. I would prefer to see the Secretary of State be able to designate certain highly vulnerable groups for expedited adjudication, so that stories like this one are not common, and eligible refugees reach safety here in the U.S. as soon as possible.

Finally, this bill makes targeted improvements to the resettlement process in the United States. Most importantly, it prevents newly resettled refugees from slipping into poverty by adjusting the per capita refugee resettlement grant level annually for inflation and the cost of living. The current per capita grant is $1,800, but it was just raised in January 2010 from roughly half that amount. I thank the Obama administration for recognizing the need to raise the per capita grant level, but believe it must be adjusted annually for inflation and the cost of living. This bill will ensure that the per capita grant level does not decrease in real terms over time.

This bill is supported by leading refugee resettlement organizations across the Nation including the U.S. Conference of Catholic Bishops, Hebrew Immigrant Aid Society, International Rescue Committee, Lutheran Immigrant & Refugee Service, the Episcopal Church, Refugee Council USA, Heartland Alliance for Human Needs and Human Rights, Church World Service, and the Interfaith Refugee and Immigration Ministries of Illinois. The Congressionally-created and bipartisan U.S. Commission for International Religious Freedom endorsed the provisions that make improvements to the expedited removal system. It is endorsed by advocates and legal aid providers serving the refugee and asylee community, including the American Bar Association, Human Rights First, National Immigrant Justice Center, the Center for Gender & Refugee Studies at U.C. Hastings College of the Law, Tahirih Justice Center, American Immigration Lawyers Association, National Immigration Forum, Refugees International, Immigration Equality, Amnesty International USA, Human Rights Watch, and the American Civil Liberties Union. And in Vermont, it has the support of the Vermont Refugee Resettlement Program, Vermont Immigration and Asylum Advocates, and the Association of Africans Living in Vermont. All of those organizations that stand with me in support of this legislation have my sincere thanks.

The 30th anniversary of the Refugee Act is this week. It is time to renew America's commitment to the Refugee Convention, and to bring our law back into compliance with the Convention's promise of protection. Our Nation is a leader among the asylum-providing countries, and our communities have embraced refugees and asylum seekers, welcoming them as Americans. Our laws must now match that humanitarian spirit. I urge all Senators to support the Refugee Protection Act of 2010.

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. 3113

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 ''Refugee Protection Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Elimination of arbitrary time limits on asylum applications.
Sec. 4. Protecting victims of terrorism from being defined as terrorists.
Sec. 5. Protecting certain vulnerable groups of asylum seekers.
Sec. 6. Effective adjudication of proceedings.
Sec. 7. Scope and standard for review.
Sec. 8. Efficient asylum determination process and detention of asylum seekers.
Sec. 9. Secure alternatives program.
Sec. 10. Conditions of detention.
Sec. 11. Timely notice of immigration charges.
Sec. 12. Procedures for ensuring accuracy and verifiability of sworn statements taken pursuant to expedited removal authority.
Sec. 13. Study on the effect of expedited removal provisions, practices, and procedures on asylum claims.
Sec. 14. Lawful permanent resident status of refugees and asylum seekers granted asylum.
Sec. 15. Protections for minors seeking asylum.
Sec. 16. Multiple forms of relief.
Sec. 17. Protection of refugee families.
Sec. 18. Reform of refugee consultation process and refugee processing.
Sec. 19. Admission of refugees in the absence of the annual presidential determination.
Sec. 20. Authority to designate certain groups of refugees for consideration.
Sec. 21. Update of reception and placement grants.
Sec. 22. Legal assistance for refugees and asylees.
Sec. 23. Protection for aliens interdicted at sea.
Sec. 24. Protection of stateless persons in the United States.
Sec. 25. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASYLUM SEEKER.—The term ''asylum seeker''—

(A) means—

(i) any applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

(ii) any alien who indicates an intention to apply for asylum under that section; and

(iii) any alien who indicates an intention to apply for withholding of removal, pursuant to—

(I) section 241 of the Immigration and Nationality Act (8 U.S.C. 1231); or

(II) the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984;

(B) includes any individual described in subparagraph (A) whose application for asylum or withholding of removal is pending judicial review; and

(C) does not include an individual with respect to whom a final order denying asylum and withholding of removal has been entered if such order is not pending judicial review.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. ELIMINATION OF ARBITRARY TIME LIMITS ON ASYLUM APPLICATIONS.

Section 208(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(3) in subparagraph (B), as redesignated, by striking ''(D)'' and inserting ''(C)''; and

(4) by striking subparagraph (C), as redesignated, and inserting the following:

''(C) CHANGED CIRCUMSTANCES.—Notwithstanding subparagraph (B), an application for asylum of an alien may be considered if the alien demonstrates, to the satisfaction of the Attorney General, the existence of changed circumstances that materially affect the applicant's eligibility for asylum.''.

SEC. 4. PROTECTING VICTIMS OF TERRORISM FROM BEING DEFINED AS TERRORISTS.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by amending subclause (IX) to read as follows:

''(IX) is an officer, official, representative, or spokesman of the Palestine Liberation Organization,''; and

(B) by striking the matter following subclause (IX) and inserting the following:

'' ''is inadmissible.'';

(2) in clause (iii), by inserting ''which is intended to intimidate or coerce a civilian population or to influence the policy of a government by intimidation or coercion and'' after ''means any activity'';

(3) in clause (iv)(VI), by inserting ''(other than as the result of coercion)'' after ''to commit an act'';

(4) in clause (vi)—

(A) in subclause (I), by adding ''or'' at the end;

(B) in subclause (II), by striking ''; or'' and inserting a period; and

(C) by striking subclause (III); and

(5) by adding at the end the following:

''(vii) As used in this paragraph, the term, 'coercion' means—

''(I) serious harm, including restraint against any person; or

''(II) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to, or restraint against, any person.''.

SEC. 5. PROTECTING CERTAIN VULNERABLE GROUPS OF ASYLUM SEEKERS.

(a) DEFINED TERM.—Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended to read as follows:

''(42)(A) The term 'refugee' means any person who—

''(i)(I) is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided; and

''(II) is unable to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(ii) in such circumstances as the President may specify, after appropriate consultation (as defined in section 207(e))—

''(I) is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing; and

''(II) is persecuted, or who has a well-founded fear of persecution, on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(B) The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated, other than as a result of coercion (as defined in section 212(a)(3)(B)(vii)), in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(C) For purposes of determinations under this Act—

''(i) a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion; and

''(ii) a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

''(D) For purposes of determinations under this Act, any group whose members share a characteristic that is either immutable or fundamental to identity, conscience, or the exercise of the person's human rights such that the person should not be required to change it, shall be deemed a particular social group, without any additional requirement.''.

(b) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)(B)) is amended—

(1) in clause (i), by striking ''at least one central reason for persecuting the applicant'' and inserting ''a factor in the applicant's persecution or fear of persecution'';

(2) in clause (ii), by striking the last sentence and inserting the following: ''If the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, the trier of fact shall provide notice and allow the applicant a reasonable opportunity to file such evidence unless the applicant does not have the evidence and cannot reasonably obtain the evidence.'';

(3) by redesignating clause (iii) as clause (iv);

(4) by inserting after clause (ii) the following:

''(iii) SUPPORTING EVIDENCE ACCEPTED.—Direct or circumstantial evidence, including evidence that the State is unable to protect the applicant or that State legal or social norms tolerate such persecution against persons like the applicant, may establish that persecution is on account of race, religion, nationality, membership in a particular social group, or political opinion.''; and

(5) in clause (iv), as redesignated, by striking '', without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor.'' and inserting ''. If the trier of fact determines that there are inconsistencies or omissions, the alien shall be given an opportunity to explain and to provide support or evidence to clarify such inconsistencies or omissions.''.

(c) REMOVAL PROCEEDINGS.—Section 240(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(4)) is amended—

(1) in subparagraph (B), by striking the last sentence and inserting the following: ''If the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, the trier

of fact shall provide notice and allow the applicant a reasonable opportunity to file such evidence unless the applicant does not have the evidence and cannot reasonably obtain the evidence.''; and

(2) in subparagraph (C), by striking '', without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor'' and inserting ''. If the trier of fact determines that there are inconsistencies or omissions, the alien shall be given an opportunity to explain and to provide support or evidence to clarify such inconsistencies or omissions.''.

SEC. 6. EFFECTIVE ADJUDICATION OF PROCEEDINGS.

Section 240(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(4)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''In proceedings under this section, under regulations of the Attorney General'' and inserting ''The Attorney General shall promulgate regulations for proceedings under this section, under which—''

(2) in subparagraph (B), by striking '', and'' at the end and inserting a semicolon;

(3) by redesignating subparagraph (C) as subparagraph (D); and

(4) by inserting after subparagraph (B) the following:

''(C) the Attorney General, or the designee of the Attorney General, may appoint counsel to represent an alien if the fair resolution or effective adjudication of the proceedings would be served by appointment of counsel; and''.

SEC. 7. SCOPE AND STANDARD FOR REVIEW.

Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The alien shall not be removed during such 30-day period, unless the alien indicates in writing that he or she wishes to be removed before the expiration of such period.''; and

(2) by striking paragraph (4) and inserting the following:

''(4) SCOPE AND STANDARD FOR REVIEW.—Except as provided in paragraph (5)(B), the court of appeals shall sustain a final decision ordering removal unless it is contrary to law, an abuse of discretion, or not supported by substantial evidence. The court of appeals shall decide the petition only on the administrative record on which the order of removal is based.''.

SEC. 8. EFFICIENT ASYLUM DETERMINATION PROCESS AND DETENTION OF ASYLUM SEEKERS.

(a) IN GENERAL.—Section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) is amended—

(1) in clause (ii), by striking ''shall be detained for further consideration of the application for asylum'' and inserting ''may, in the Secretary's discretion, be detained for further consideration of the application for asylum by an asylum officer designated by the Director of United States Citizenship and Immigration Services. The asylum officer, after conducting a nonadversarial asylum interview, may grant asylum to the alien under section 208 or refer the case to a designee of the Attorney General, for a de novo asylum determination, for relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, or for withholding of removal under section 241(b)(3).'';

(2) in clause (iii)(IV)—

(A) by amending the subclause heading to read as follows:

''(IV) DETENTION.—''; and

(B) by striking ''shall'' and inserting ''may, in the Secretary's discretion,''; and

(3) by inserting after clause (v) the following:

''(vi) PAROLE OF CERTAIN ALIENS.—Any alien subject to detention under clause (iii)(IV) who has established identity and been determined to have a credible fear of persecution shall be released from the custody of the Department of Homeland Security not later than 7 days after such determination unless the Department demonstrates by substantial evidence that the alien—

''(I) poses a risk to public safety, which may include a risk to national security; or

''(II) is a flight risk, which cannot be mitigated through other conditions of release, such as bond or secure alternatives, that would reasonably ensure that the alien would appear for immigration proceedings.

''(vii) REVIEW OF DETENTION.—If an alien described in clause (vi) is denied release from detention, the Attorney General shall—

''(I) not later than 7 days after such denial, review the parole determination through a hearing before an immigration judge, who shall determine whether the alien should be paroled and any conditions of such release; and

''(II) notify the detained alien and the alien's legal representative of the reason for such denial, orally and in writing, in a language the alien claims to understand.

''(viii) WAIVER.—The alien may waive the 7-day review requirement under clause (vii)(I) and request a review at a later time. Any alien whose parole request has been reviewed and denied under clause (vii)(I) may request another review and determination upon showing that there was a material change in circumstances since the last review.''.

(b) RULEMAKING.—The Secretary and the Attorney General shall promulgate regulations establishing a process for reviewing the eligibility of aliens for parole in accordance with clause (vi) and (vii) of section 235(b)(1)(B) of the Immigration and Nationality Act, as amended by subsection (a).

SEC. 9. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish the Secure Alternatives Program (referred to in this section as the ''Program'') under which an alien who has been detained may be released under enhanced supervision—

(1) to prevent the alien from absconding;

(2) to ensure that the alien makes appearances related to such detention; and

(3) to authorize and promote the utilization of alternatives to detention of asylum seekers.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the nationwide implementation of the Program.

(2) UTILIZATION OF ALTERNATIVES.—The Program shall utilize a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien—

(A) with an individual or organizational sponsor; or

(B) in a supervised group home.

(3) PROGRAM ELEMENTS.—The Program shall include—

(A) individualized case management by an assigned case supervisor; and

(B) referral to community-based providers of legal and social services.

(4) RESTRICTIVE ELECTRONIC MONITORING.—

(A) IN GENERAL.—Restrictive electronic monitoring devices, such as ankle bracelets, may not be used unless there is a demonstrated need for such enhanced monitoring.

(B) PERIODIC REVIEW.—The Secretary shall periodically review any decision to require the use of devices described in subparagraph (A).

(5) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Asylum seekers shall be eligible to participate in the Program.

(B) PROGRAM DESIGN.—The Program shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(6) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the Program.

(7) OTHER CONSIDERATIONS.—In designing the Program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute of Justice.

SEC. 10. CONDITIONS OF DETENTION.

(a) RULEMAKING.—The Secretary shall promulgate regulations that—

(1) authorize and promote the utilization of alternatives to detention of asylum seekers;

(2) establish the conditions for detention of asylum seekers that ensure a safe and humane environment; and

(3) include the rights and procedures set forth in subsections (c) through (h).

(b) DEFINITIONS.—In this section:

(1) DETAINEE.—The term ''detainee'' means an individual who is detained under the authority of United States Immigration and Customs Enforcement.

(2) DETENTION FACILITY.—The term ''detention facility'' means any Federal, State, local government facility, or privately owned and operated facility, which is being used to hold detainees longer than 72 hours.

(3) SHORT-TERM DETENTION FACILITY.—The term ''short-term detention facility'' means any Federal, State, local government, or privately owned and operated facility that is used to hold immigration detainees for not more than 72 hours.

(4) GROUP LEGAL ORIENTATION PRESENTATIONS.—The term ''group legal orientation presentations'' means live group presentations, supplemented by individual orientations, pro se workshops, and pro bono referrals, that—

(A) are carried out by private nongovernmental organizations;

(B) are presented to detainees;

(C) inform detainees about United States immigration law and procedures; and

(D) enable detainees to determine their eligibility for relief.

(c) ACCESS TO LEGAL SERVICES.—

(1) LISTS OF LEGAL SERVICE PROVIDERS.—All detainees arriving at a detention facility shall promptly receive—

(A) access to legal information, including an on-site law library with up-to-date legal materials and law databases;

(B) free access to the necessary equipment and materials for legal research and correspondence, such as computers, printers, copiers, and typewriters;

(C) an accurate, updated list of free or low-cost immigration legal service providers that—

(i) are near such detention facility; and

(ii) can assist those with limited English proficiency or disabilities;

(D) confidential meeting space to confer with legal counsel; and

(E) services to send confidential legal documents to legal counsel, government offices, and legal organizations.

(2) GROUP LEGAL ORIENTATION PRESENTATIONS.—

(A) ESTABLISHMENT OF A NATIONAL LEGAL ORIENTATION SUPPORT AND TRAINING CENTER.—The Attorney General, in consultation

with the Secretary, shall establish a National Legal Orientation Support and Training Center (referred to in this subsection as the ''Center'') to ensure quality and consistent implementation of group legal orientation programs nationwide.

(B) DUTIES.—The Center shall—

(i) offer training to nonprofit agencies that will offer group legal orientation programs;

(ii) consult with nonprofit agencies offering group legal orientation programs regarding program development and substantive legal issues; and

(iii) develop standards for group legal orientation programs.

(C) PROCEDURES.—The Secretary shall establish procedures for regularly scheduled, group legal orientation presentations.

(3) GRANTS AUTHORIZED.—The Attorney General shall establish a program to award grants to nongovernmental agencies to develop, implement, or expand legal orientation programs for all detainees at a detention facility that offers such programs.

(4) NOTIFICATION REQUIREMENT.—The Secretary shall establish procedures to promptly notify detainees at a detention facility, orally and in writing in a language that the detainee claims to understand, of—

(A) their available release options; and

(B) the procedures for requesting such options.

(d) VISITS.—

(1) LEGAL REPRESENTATION.—Detainees in detention facilities have the right to meet privately with current or prospective legal representatives, interpreters, and other legal support staff for at least 8 hours per day on regular business days and 4 hours per day on weekends and holidays, subject to appropriate security procedures. Legal visits may only be restricted for narrowly defined exceptional circumstances, such as a natural disaster or comparable emergency.

(2) PRO BONO ORGANIZATIONS.—Detention facilities shall prominently post, in detainee housing units and other appropriate areas, official lists of pro bono legal organizations and their contact information. The Secretary shall update such lists semiannually.

(3) RELIGIOUS, CULTURAL, AND SPIRITUAL VISITORS.—Detainees have the right to reasonable access to religious or other qualified individuals to address religious, cultural, and spiritual considerations.

(4) CHILDREN.—Detainees have the right to regular, private contact visits with their children (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(e) QUALITY OF MEDICAL CARE.—

(1) RIGHT TO MEDICAL CARE.—Each detainee has the right to—

(A) prompt and adequate medical care, designed to ensure continuity of care, at no cost to the detainee;

(B) care to address medical needs that existed prior to detention; and

(C) primary care, emergency care, chronic care, reproductive health care, prenatal care, dental care, eye care, mental health care, and other medically necessary specialized care.

(2) SCREENINGS AND EXAMINATIONS.—Each detainee shall receive—

(A) a comprehensive medical, dental, and mental health intake screening, including screening for sexual abuse or assault, conducted by a licensed health care professional upon arrival at a detention facility or short-term detention facility; and

(B) a comprehensive medical and mental health examination by a licensed health care professional not later than 14 days after the detainee's arrival at a detention facility.

(3) MEDICATIONS AND TREATMENT.—

(A) PRESCRIPTIONS.—Each detainee taking prescribed medications prior to detention shall be allowed to continue taking such medications, on schedule and without interruption, until a licensed health care professional examines the immigration detainee and decides upon an alternative course of treatment. Detainees who arrive at a detention facility without prescription medications and report being on specific prescription medications shall be evaluated by a qualified health care professional not later than 24 hours after such arrival. All decisions to discontinue or modify a detainee's reported prescription medication regimen shall be conveyed to the detainee in a language that the detainee understands and recorded in writing in the detainee's medical records.

(B) PSYCHOTROPIC MEDICATION.—Medication may not be forcibly administered to a detainee to facilitate transport, removal, or otherwise to control the detainee's behavior. Involuntary psychotropic medication may only be used, to the extent authorized by applicable law, in emergency situations after a physician has personally examined the detainee and determined that—

(i) the detainee is imminently dangerous to self or others due to a mental illness; and

(ii) involuntary psychotropic medication is medically appropriate to treat the mental illness and necessary to prevent harm.

(C) TREATMENT.—Each detainee shall be provided medically necessary treatment, including prenatal care, prenatal vitamins, hormonal therapies, and birth control. Female detainees shall be provided with adequate access to sanitary products.

(4) MEDICAL CARE DECISIONS.—Any decision regarding requested medical care for a detainee—

(A) shall be made in writing by an on-site licensed health care professional not later than 72 hours after such medical care is requested; and

(B) shall be immediately communicated to the detainee.

(5) ADMINISTRATIVE APPEALS PROCESS.—

(A) IN GENERAL.—The operators of detention facilities, in conjunction with the Department of Homeland Security, shall ensure that detainees, medical providers, and legal representatives are provided the opportunity to appeal a denial of requested health care services by an on-site provider to an independent appeals board.

(B) APPEALS BOARD.—The appeals board shall include health care professionals in the fields relevant to the request for medical or mental health care.

(C) DECISION.—Not later than 7 days after an appeal is received by the appeals board under this paragraph, or earlier if medically necessary, the appeals board shall—

(i) issue a written decision regarding the appeal; and

(ii) notify the detention facility and the appellee, orally and in a writing in a language the appellee claims to understand, of such decision.

(6) REVIEW OF ON-SITE MEDICAL PROVIDER REQUESTS.—

(A) IN GENERAL.—The Secretary shall respond within 72 hours to any request by an on-site medical provider for authorization to provide medical or mental health care to a detainee.

(B) WRITTEN EXPLANATION.—If the Secretary denies or fails to grant a request described in subparagraph (A), the Secretary shall immediately provide a written explanation of the reasons for such decision to the on-site medical provider and the detainee.

(C) APPEALS BOARD.—The on-site medical provider and the detainee (or the detainee's legal representative) shall be permitted to appeal the denial of, or failure to grant, a request described in subparagraph (A) to an independent appeals board.

(D) DECISION.—Not later than 7 days after an appeal is received by the appeals board under this paragraph, or earlier if medically necessary, the appeals board shall—

(i) issue a written decision regarding the appeal;

(ii) notify the detainee of such decision, orally and in a writing in a language the detainee claims to understand; and

(iii) notify the on-site medical provider and the detention facility of such decision.

(7) CONDITIONAL RELEASE.—

(A) IN GENERAL.—If a licensed health care professional determines that a detainee has a medical or mental health care condition, is pregnant, or is a nursing mother, the Secretary shall consider releasing the detainee on parole, on bond, or into a secure alternatives program.

(B) REEVALUATION.—If a detainee described in subparagraph (A) is not initially released under this paragraph, the Secretary shall periodically reevaluate the situation of the detainee to determine if such a release would be appropriate.

(C) DISCHARGE PLANNING.—Upon removal or release, all detainees with serious medical or mental health conditions and women who are pregnant shall receive discharge planning to ensure continuity of care for a reasonable period of time.

(8) MEDICAL RECORDS.—

(A) IN GENERAL.—The Secretary shall—

(i) maintain complete, confidential medical records for each detainee and make such records available to the detainee, or to individuals authorized by the detainee, not later than 72 hours after receiving a request for such records.

(B) TRANSFER OF MEDICAL RECORDS.—Immediately upon a detainee's transfer between detention facilities, the detainee's complete medical records, including any transfer summary, shall be provided to the receiving detention facility.

(f) TRANSFER OF DETAINEES.—

(1) NOTICE.—Absent exigent circumstances, such as a natural disaster or comparable emergency, the Secretary shall provide written notice to any detainee, orally and in a writing in a language the detainee claims to understand, not less than 72 hours before transferring such detainee to another detention facility. Not later than 24 hours after such transfer, the Secretary shall notify the detainee's legal representative, or other person designated by the detainee of the transfer, by telephone and in writing.

(2) PROCEDURES.—Absent exigent circumstances, such as a natural disaster or comparable emergency, the Secretary may not transfer a detainee to another detention facility if such transfer would—

(A) impair an existing attorney-client relationship;

(B) prejudice the rights of the detainee in any legal proceeding, including any Federal, State, or administrative proceeding; or

(C) negatively affect the detainee's health, including by interrupting the continuity of medical care or provision of prescription medication.

(g) ACCESS TO TELEPHONES.—

(1) IN GENERAL.—Not later than 6 hours after the commencement of a detention of a detainee, the detainee shall be provided reasonable access to a telephone, with at least 1 working telephone available for every 25 detainees.

(2) CONTACTS.—Each detainee has the right to contact by telephone, free of charge—

(A) legal representatives;

(B) nongovernmental organizations designated by the Secretary;

(C) consular officials;

(D) the United Nations High Commissioner for Refugees;

(E) Federal and State courts in which the detainee is, or may become, involved in a legal proceeding; and

(F) all government immigration agencies and adjudicatory bodies, including the Office of the Inspector General of the Department of Homeland Security and the Office for Civil Rights and Civil Liberties of the Department of Homeland Security, through confidential toll-free numbers.

(3) EMERGENCIES.—Each detainee subject to expedited removal or who is experiencing a personal or family emergency, including the need to arrange care for dependents, shall be allowed to make confidential calls at no charge.

(4) PRIVACY.—Each detainee has the right to hold private telephone conversations for the purpose of obtaining legal representation or related to legal matters.

(5) RATES.—The Secretary shall ensure that rates charged in detention facilities for telephone calls are reasonable and do not significantly impair the detainee's right to make telephone calls.

(h) PHYSICAL AND SEXUAL ABUSE.—

(1) IN GENERAL.—No detainee, whether in a detention facility or short-term detention facility, shall be subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) PREVENTION.—The operators of detention facilities shall take all necessary measures—

(A) to prevent sexual abuse and sexual assaults of detainees;

(B) to provide medical and mental health treatment to victims of sexual abuse and sexual assaults; and

(C) to comply fully with the national standards for the detection, prevention, reduction, and punishment of prison rape adopted pursuant to section 8(a) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15607(a)).

(i) LIMITATIONS ON SOLITARY CONFINEMENT, SHACKLING, AND STRIP SEARCHES.—

(1) EXTRAORDINARY CIRCUMSTANCES.—Solitary confinement, shackling, and strip searches of detainees—

(A) may not be used unless such techniques are necessitated by extraordinary circumstances in which the safety of other persons is at imminent risk; and

(B) may not be used for the purpose of humiliating detainees either within or outside the detention facility.

(2) PROTECTED CLASSES.—Solitary confinement, shackling, and strip searches may not be used on pregnant women, nursing mothers, women in labor or delivery, or children who are younger than 18 years of age. Strip searches may not be conducted in the presence of children who are younger than 21 years of age.

(3) WRITTEN POLICIES.—Detention facilities shall—

(A) adopt written policies pertaining to the use of force and restraints; and

(B) train all staff on the proper use of such techniques and devices.

(j) LOCATION OF DETENTION FACILITIES.—

(1) NEW FACILITIES.—All detention facilities first used by the Department of Homeland Security after the date of the enactment of this Act shall be located within 50 miles of a community in which there is a demonstrated capacity to provide free or low-cost legal representation by—

(A) nonprofit legal aid organizations; or

(B) pro bono attorneys with expertise in asylum or immigration law.

(2) EXISTING FACILITIES.—Not later than January 1, 2014, all detention facilities used by the Department of Homeland Security shall meet the location requirement described in paragraph (1).

(3) REPORT.—If the Secretary fails to comply with the requirement under paragraph (2) by January 1, 2014, the Secretary shall submit a report to Congress on such date, and annually thereafter, that—

(A) explains the reasons for such failure; and

(B) describes the specific plans of the Secretary to meet such requirement.

(k) TRANSLATION CAPABILITIES.—The operators of detention facilities and short-term detention facilities shall—

(1) employ staff who are professionally qualified in any language spoken by more than 10 percent of its detainee population;

(2) arrange for alternative translation services, as needed, in the exceptional circumstances when trained bilingual staff members are unavailable to translate; and

(3) provide notices and written materials to detainees in the native language of such detainees if such language is spoken by more than 5 percent of the detainees in the facility.

(l) RECREATIONAL PROGRAMS AND ACTIVITIES.—Detainees shall be provided with access to at least 1 hour of indoor and outdoor recreational programs and activities each day.

(m) TRAINING OF PERSONNEL.—All personnel at detention facilities and short-term detention facilities shall be given comprehensive, specialized training and regular, periodic updates, including—

(1) an overview of immigration detention and all detention standards;

(2) the characteristics of the noncitizen detainee population, including the special needs of vulnerable populations among detainees and cultural, gender, gender identity, and sexual orientation issues; and

(3) the due process and grievance procedures to protect the rights of detainees.

(n) TRANSPORTATION.—The Secretary shall ensure that—

(1) each detainee is safely transported, which shall include the appropriate use of safety harnesses and occupancy limitations of vehicles; and

(2) female officers are responsible and at all times present during the transfer and transport of female detainees who are in the custody of the Department of Homeland Security.

(o) VULNERABLE POPULATIONS.—Detention facility conditions and minimum requirements for detention facilities shall recognize and accommodate the unique needs of vulnerable detainees, including—

(1) families with children;

(2) asylum seekers;

(3) victims of abuse, torture, or trafficking;

(4) individuals who are older than 65 years of age;

(5) pregnant women; and

(6) nursing mothers.

(p) CHILDREN.—The Secretary shall ensure that unaccompanied alien children are—

(1) physically separated from any adult who is not an immediate family member; and

(2) separated by sight and sound from—

(A) immigration detainees and inmates with criminal convictions;

(B) pretrial inmates facing criminal prosecution;

(C) children who have been adjudicated delinquents or convicted of adult offenses or are pending delinquency or criminal proceedings; and

(D) inmates exhibiting violent behavior while in detention.

(q) SHORT-TERM FACILITY REQUIREMENTS.—

(1) ACCESS TO BASIC NEEDS, PEOPLE, AND PROPERTY.—

(A) BASIC NEEDS.—All detainees in short-term detention facilities shall receive—

(i) potable water;

(ii) food, if detained for more than 5 hours;

(iii) basic toiletries, diapers, sanitary products, and blankets; and

(iv) access to bathroom facilities.

(B) PEOPLE.—The Secretary shall provide consular officials with access to detainees held at any short-term detention facility. Detainees shall be afforded reasonable access to a licensed health care professional. The Secretary shall ensure that nursing mothers in such facilities have access to their children.

(C) PROPERTY.—Any property belonging to a detainee that was confiscated by an official of the Department of Homeland Security shall be returned to the detainee upon repatriation or transfer.

(2) PROTECTIONS FOR CHILDREN.—

(A) QUALIFIED STAFF.—The Secretary shall ensure that adequately trained and qualified staff are stationed at each major port of entry at which, during the 2 most recent fiscal years, an average of at least 50 unaccompanied alien children have been held per year by United States Customs and Border Protection. Such staff shall include—

(i) independent licensed social workers dedicated to ensuring the proper temporary care for the children while in the custody of United States Customs and Border Protection; and

(ii) agents charged primarily with the safe, swift, and humane transportation of such children to the custody of the Office of Refugee Resettlement.

(B) SPECIFIC RIGHTS.—The social workers described in subparagraph (A)(i) shall ensure that each unaccompanied alien child—

(i) receives emergency medical care;

(ii) receives mental health care in case of trauma;

(iii) has access to psychosocial health services;

(iv) is provided with—

(I) a pillow, linens, and sufficient blankets to rest at a comfortable temperature; and

(II) a bed and mattress placed in an area specifically designated for residential use;

(v) receives adequate nutrition;

(vi) enjoys a safe and sanitary living environment;

(vii) receives educational materials; and

(viii) has access to at least 3 hours of indoor and outdoor recreational programs and activities per day.

(3) CONFIDENTIALITY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall maintain the privacy and confidentiality of all information gathered in the course of providing care, custody, placement, and follow-up services to unaccompanied alien children, consistent with the best interest of such children, by not disclosing such information to other government agencies or nonparental third parties, except as provided under paragraph (2).

(B) LIMITED DISCLOSURE OF INFORMATION.—The Secretary may disclose information regarding an unaccompanied alien child only if—

(i) the child authorizes such disclosure and it is consistent with the child's best interest; or

(ii) the disclosure is to a duly recognized law enforcement entity and is necessary to prevent imminent and serious harm to another individual.

(C) WRITTEN RECORD.—All disclosures under paragraph (2) shall be duly recorded in writing and placed in the child's file.

SEC. 11. TIMELY NOTICE OF IMMIGRATION CHARGES.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end the following:

"(f) NOTICE AND CHARGES.—Not later than 48 hours after the commencement of a detention of an individual under this section, the Secretary of Homeland Security shall—

''(1) file a Notice to Appear or other relevant charging document with the immigration court closest to the location at which the individual was apprehended; and

''(2) serve such notice or charging document on the individual.''.

SEC. 12. PROCEDURES FOR ENSURING ACCURACY AND VERIFIABILITY OF SWORN STATEMENTS TAKEN PURSUANT TO EXPEDITED REMOVAL AUTHORITY.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) RECORDING OF INTERVIEWS.—

(1) IN GENERAL.—Any sworn or signed written statement taken from an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act shall be accompanied by a recording of the interview which served as the basis for such sworn statement.

(2) CONTENT.—The recording shall include—

(A) a reading of the entire written statement to the alien in a language that the alien claims to understand; and

(B) the verbal affirmation by the alien of the accuracy of—

(i) the written statement; or

(ii) a corrected version of the written statement.

(3) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(4) EVIDENCE.—Recordings of interviews under this subsection may be considered as evidence in any further proceedings involving the alien.

(c) EXEMPTION AUTHORITY.—

(1) EXEMPTED FACILITIES.—Subsection (b) shall not apply to interviews that occur at detention facilities exempted by the Secretary under this subsection.

(2) CRITERIA.—The Secretary, or the Secretary's designee, may exempt any detention facility if compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary shall annually submit a report to Congress that identifies the facilities that have been exempted under this subsection.

(4) NO PRIVATE CAUSE OF ACTION.—Nothing in this subsection may be construed to create a private cause of action for damages or injunctive relief.

(d) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used if—

(1) the interviewing officer does not speak a language understood by the alien; and

(2) there is no other Federal Government employee available who is able to interpret effectively, accurately, and impartially.

SEC. 13. STUDY ON THE EFFECT OF EXPEDITED REMOVAL PROVISIONS, PRACTICES, AND PROCEDURES ON ASYLUM CLAIMS.

(a) STUDY.—

(1) IN GENERAL.—The United States Commission on International Religious Freedom (referred to in this section as the ''Commission'') is authorized to conduct a study to determine whether immigration officers described in paragraph (2) are engaging in conduct described in paragraph (3).

(2) IMMIGRATION OFFICERS DESCRIBED.—An immigration officer described in this paragraph is an immigration officer performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) with respect to aliens who—

(A) are apprehended after entering the United States; and

(B) may be eligible to apply for asylum under section 208 or 235 of such Act.

(3) CONDUCT DESCRIBED.—An immigration officer engages in conduct described in this paragraph if the immigration officer—

(A) improperly encourages an alien referred to in paragraph (2) to withdraw or retract claims for asylum;

(B) incorrectly fails to refer such an alien for an interview by an asylum officer to determine whether the alien has a credible fear of persecution (as defined in section 235(b)(1)(B)(v) of such Act (8 U.S.C. 1225(b)(1)(B)(v)));

(C) incorrectly removes such an alien to a country in which the alien may be persecuted; or

(D) detains such an alien improperly or under inappropriate conditions.

(b) REPORT.—Not later than 2 years after the date on which the Commission initiates the study under subsection (a), the Commission shall submit a report containing the results of the study to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Foreign Relations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Foreign Affairs of the House of Representatives.

(c) STAFF.—

(1) FROM OTHER AGENCIES.—

(A) IDENTIFICATION.—The Commission may identify employees of the Department of Homeland Security, the Department of Justice, and the Government Accountability Office that have significant expertise and knowledge of refugee and asylum issues.

(B) DESIGNATION.—At the request of the Commission, the Secretary, the Attorney General, and the Comptroller General of the United States shall authorize staff identified under subparagraph (A) to assist the Commission in conducting the study under subsection (a).

(2) ADDITIONAL STAFF.—The Commission may hire additional staff and consultants to conduct the study under subsection (a).

(3) ACCESS TO PROCEEDINGS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary and the Attorney General shall provide staff designated under paragraph (1) or hired under paragraph (2) with unrestricted access to all stages of all proceedings conducted under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(B) EXCEPTIONS.—The Secretary and the Attorney General may not permit unrestricted access under subparagraph (A) if—

(i) the alien subject to a proceeding under such section 235(b) objects to such access; or

(ii) the Secretary or Attorney General determines that the security of a particular proceeding would be threatened by such access.

SEC. 14. LAWFUL PERMANENT RESIDENT STATUS OF REFUGEES AND ASYLUM SEEKERS GRANTED ASYLUM.

(a) ADMISSION OF EMERGENCY SITUATION REFUGEES.—Section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' the first time it appears and inserting ''Secretary of Homeland Security'';

(B) by striking ''Attorney General'' each additional place it appears and inserting ''Secretary''; and

(C) by striking ''(except as otherwise provided under paragraph (3)) as an immigrant under this Act.'' and inserting ''(except as provided under subsection (b) and (c) of section 209) as an immigrant under this Act. Notwithstanding any numerical limitations specified in this Act, any alien admitted under this paragraph shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such alien's admission to the United States.'';

(2) in paragraph (2)(A)—

(A) by striking ''(except as otherwise provided under paragraph (3))'' and inserting ''(except as provided under subsection (b) and (c) of section 209)'';

(B) by striking the last sentence and inserting the following: ''An alien admitted to the United States as a refugee may petition for his or her spouse or child to follow to join him or her in the United States at any time after such alien's admission, notwithstanding his or her treatment as a lawful permanent resident as of the date of his or her admission to the United States.'';

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3), as redesignated—

(A) by striking ''Attorney General'' the first time it appears and inserting ''Secretary of Homeland Security''; and

(B) by striking ''Attorney General'' each additional place it appears and inserting ''Secretary''; and

(b) TREATMENT OF SPOUSE AND CHILDREN.—Section 208(b)(3) of such Act (8 U.S.C. 1158(b)(3)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

(2) by inserting after subparagraph (A) the following:

''(B) PETITION.—An alien granted asylum under this subsection may petition for the same status to be conferred on his or her spouse or child at any time after such alien is granted asylum whether or not such alien has applied for, or been granted, adjustment to permanent resident status under section 209.

''(C) PERMANENT RESIDENT STATUS.—Notwithstanding any numerical limitations specified in this Act, a spouse or child admitted to the United States as an asylee following to join a spouse or parent previously granted asylum shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such spouse's or child's admission to the United States.

''(D) APPLICATION FOR ADJUSTMENT OF STATUS.—A spouse or child who was not admitted to the United States pursuant to a grant of asylum, but who was granted asylum under this subparagraph after his or her arrival as the spouse or child of an alien granted asylum under section 208, may apply for adjustment of status to that of lawful permanent resident under section 209 at any time after being granted asylum.''.

(c) REFUGEES.—

(1) IN GENERAL.—Section 209 of such Act (8 U.S.C. 1159) is amended to read as follows:

''SEC. 209. TREATMENT OF ALIENS ADMITTED AS REFUGEES AND OF ALIENS GRANTED ASYLUM.

''(a) IN GENERAL.—

''(1) TREATMENT OF REFUGEES.—Notwithstanding any numerical limitations specified in this Act, any alien who has been admitted to the United States under section 207 shall be regarded as lawfully admitted to the United States for permanent residence as of the date of such admission.

''(2) TREATMENT OF SPOUSE AND CHILDREN.—Notwithstanding any numerical limitations specified in this Act, any alien admitted to the United States under section 208(b)(3) as the spouse or child of an alien granted asylum under section 208(b)(1) shall be regarded as lawfully admitted to the United States for

permanent residence as of the date of such admission.

''(3) ADJUSTMENT OF STATUS.—The Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General, and under such regulations as the Secretary or the Attorney General may prescribe, may adjust, to the status of an alien lawfully admitted to the United States for permanent residence, the status of any alien who, while in the United States—

''(A) is granted—

''(i) asylum under section 208(b) (as a principal alien or as the spouse or child of an alien granted asylum); or

''(ii) refugee status under section 207 as the spouse or child of a refugee;

''(B) applies for such adjustment of status at any time after being granted asylum or refugee status;

''(C) is not firmly resettled in any foreign country; and

''(D) is admissible (except as otherwise provided under subsections (b) and (c)) as an immigrant under this Act at the time of examination for adjustment of such alien.

''(4) RECORD.—Upon approval of an application under this subsection, the Secretary of Homeland Security or the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date such alien was granted asylum or refugee status.

''(5) DOCUMENT ISSUANCE.—An alien who has been admitted to the United States under section 207 or 208 or who adjusts to the status of a lawful permanent resident as a refugee or asylee under this section shall be issued documentation indicating that such alien is a lawful permanent resident pursuant to a grant of refugee or asylum status.

''(b) INAPPLICABILITY OF CERTAIN INADMISSIBILITY GROUNDS TO REFUGEES, ALIENS GRANTED ASYLUM, AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—Paragraphs (4), (5), and (7)(A) of section 212(a) shall not apply to—

''(1) any refugee under section 207;

''(2) any alien granted asylum under section 208; or

''(3) any alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status.

''(c) WAIVER OF INADMISSIBILITY OR DEPORTABILITY FOR REFUGEES, ALIENS GRANTED ASYLUM, AND SUCH ALIENS SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Homeland Security or the Attorney General may waive any ground of inadmissibility under section 212 or any ground of deportability under section 237 for a refugee admitted under section 207, an alien granted asylum under section 208, or an alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status if the Secretary or the Attorney General determines that such waiver is justified by humanitarian purposes, to ensure family unity, or is otherwise in the public interest.

''(2) INELIGIBILITY.—A refugee under section 207, an alien granted asylum under section 208, or an alien seeking admission as a lawful permanent resident pursuant to a grant of refugee or asylum status shall be ineligible for a waiver under paragraph (1) if it has been established that the alien is—

''(A) inadmissible under section 212(a)(2)(C) or subparagraph (A), (B), (C), or (E) of section 212(a)(3);

''(B) deportable under section 237(a)(2)(A)(iii) for an offense described in section 101(a)(43)(B); or

''(C) deportable under subparagraph (A), (B), (C), or (D) of section 237(a)(4).''.

(d) TECHNICAL AMENDMENTS.—

(1) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)(B)) is amended to read as follows:

''(B) Aliens who are admitted to the United States as permanent residents under section 207 or 208 or whose status is adjusted under section 209.''.

(2) TRAINING.—Section 207(f)(1) of such Act (8 U.S.C. 1157(f)(1)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(3) TABLE OF CONTENTS.—The table of contents for such Act is amended by striking the item relating to section 209 and inserting the following:

''Sec. 209. Treatment of aliens admitted as refugees and of aliens granted asylum.''.

(e) SAVINGS PROVISIONS.—

(1) IN GENERAL.—Nothing in the amendments made by this section may be construed to limit access to the benefits described at chapter 2 of title IV of the Immigration and Nationality Act (8 U.S.C. 1521 et seq.).

(2) CLARIFICATION.—Aliens admitted for lawful permanent residence under section 207 or 208 of the Immigration and Nationality Act (8 U.S.C. 1157 and 1158) or who adjust status to lawful permanent resident under section 209 of such Act (8 U.S.C. 1159) shall be considered to be refugees and aliens granted asylum in accordance with sections 402, 403, 412, and 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612, 1613, 1622, and 1641).

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall become effective on the earlier of—

(1) the date that is 180 days after the date of the enactment of this Act; or

(2) the date on which a final rule is promulgated to implement this section.

SEC. 15. PROTECTIONS FOR MINORS SEEKING ASYLUM.

(a) IN GENERAL.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), as amended by section 3, by adding at the end the following:

''(D) APPLICABILITY TO MINORS.—Subparagraphs (A), (B), and (C) do not apply to an applicant who is younger than 18 years of age on the earlier of—

''(i) the date on which the asylum application is filed; or

''(ii) the date on which any Notice to Appear is issued.''; and

(2) in subsection (b)(3), as amended by section 14(b), by adding at the end the following:

''(F) JURISDICTION.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an applicant who is younger than 18 years of age on the earlier of—

''(i) the date on which the asylum application is filed; or

''(ii) the date on which any Notice to Appear is issued.''.

(b) REINSTATEMENT OF REMOVAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) in paragraph (5), by striking ''If the Attorney General'' and inserting ''Except as provided in paragraph (8), if the Secretary of Homeland Security''; and

(2) by adding at the end of the following:

''(8) APPLICABILITY OF REINSTATEMENT OF REMOVAL.—Paragraph (5) shall not apply to an alien who has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, if the alien was younger than 18 years of age on the date on which the alien was removed or departed voluntarily under an order of removal.''.

SEC. 16. MULTIPLE FORMS OF RELIEF.

(a) IN GENERAL.—Applicants for admission as refugees may simultaneously pursue admission under any visa category for which such applicants may be eligible.

(b) ASYLUM APPLICANTS WHO BECOME ELIGIBLE FOR DIVERSITY VISAS.—Section 204(a)(1)(I) (8 U.S.C. 1154(a)(1)(I)) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)) is amended by adding at the end the following:

''(iv)(I) An asylum seeker in the United States who is notified that he or she is eligible for an immigrant visa pursuant to section 203(c) may file a petition with the district director that has jurisdiction over the district in which the asylum seeker resides (or, in the case of an asylum seeker who is or was in removal proceedings, the immigration court in which the removal proceeding is pending or was adjudicated) to adjust status to that of a permanent resident.

''(II) A petition under subclause (I) shall be filed not later than 30 days before the end of the fiscal year for which the petitioner received notice of eligibility for the visa and shall contain such information and be supported by such documentary evidence as the Secretary of State may require.

''(III) The district director or immigration court shall attempt to adjudicate each petition under this clause before the last day of the fiscal year for which the petitioner was selected. Notwithstanding clause (ii)(II), if the district director or immigration court is unable to complete such adjudication during such fiscal year, the adjudication and adjustment of the petitioner's status may take place after the end of such fiscal year.''.

SEC. 17. PROTECTION OF REFUGEE FAMILIES.

(a) CHILDREN OF REFUGEE OR ASYLEE SPOUSES AND CHILDREN.—A child of an alien who qualifies for admission as a spouse or child under section 207(c)(2)(A) or 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A) and 1158(b)(3)) shall be entitled to the same admission status as such alien if the child—

(1) is accompanying or following to join such alien; and

(2) is otherwise admissible under such section 207(c)(2)(A) or 208(b)(3).

(b) SEPARATED CHILDREN.—A child younger than 18 years of age who has been separated from the birth or adoptive parents of such child and is living under the care of an alien who has been approved for admission to the United States as a refugee shall be admitted as a refugee if—

(1) it is in the best interest of such child to be placed with such alien in the United States; and

(2) such child is otherwise admissible under section 207(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(3)).

(c) ELIMINATION OF TIME LIMITS ON REUNIFICATION OF REFUGEE AND ASYLEE FAMILIES.—

(1) EMERGENCY SITUATION REFUGEES.—Section 207(c)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A)) is amended by striking ''A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E))'' and inserting, ''Regardless of when such refugee was admitted to the United States, a spouse or child (other than a child described in section 101(b)(1)(F))''.

(2) ASYLUM.—Section 208(b)(3)(A) of such Act (8 U.S.C. 1158(b)(3)(A)) is amended to read as follows:

''(A) IN GENERAL.—A spouse or child (other than a child described in section 101(b)(1)(F)) of an alien who was granted asylum under this subsection at any time may, if not otherwise eligible for asylum under this section,

be granted the same status as the alien if accompanying or following to join such alien.''.

(d) TIMELY ADJUDICATION OF REFUGEE AND ASYLEE FAMILY REUNIFICATION PETITIONS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 207(c)(2), as amended by subsection (c), by adding at the end the following:

''(D) The Secretary shall ensure that the application of an alien who is following to join a refugee who qualifies for admission under paragraph (1) is adjudicated not later than 90 days after the submission of such application.''; and

(2) in section 208(b)(3), by adding at the end the following:

''(G) TIMELY ADJUDICATION.—The Secretary shall ensure that the application of each alien described in subparagraph (A) who applies to follow an alien granted asylum under this subsection is adjudicated not later than 90 days after the submission of such application.''.

SEC. 18. REFORM OF REFUGEE CONSULTATION PROCESS AND REFUGEE PROCESSING.

Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended—

(1) in subsection (a), by adding at the end the following:

''(5) All officers of the Federal Government responsible for refugee admissions or refugee resettlement shall treat the determinations made under this subsection and subsection (b) as the refugee admissions goal for the fiscal year.'';

(2) in subsection (d), by adding at the end the following:

''(4) Not later than 15 days after the last day of each calendar quarter, the President shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

''(A) the number of refugees who were admitted during the previous quarter;

''(B) the percentage of those arrivals against the refugee admissions goal for such quarter;

''(C) the cumulative number of refugees who were admitted during the fiscal year as of the end of such quarter;

''(D) the number of refugees to be admitted during the remainder of the fiscal year in order to meet the refugee admissions goal for the fiscal year; and

''(E) a plan that describes the procedural or personnel changes necessary to achieve the refugee admissions goal for the fiscal year.''; and

(3) in subsection (e)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in the matter preceding subparagraph (A), as redesignated—

(i) by inserting ''(1)'' after ''(e)''; and

(ii) by inserting '', which shall be commenced not later than May 1 of each year and continue periodically throughout the remainder of the year, if necessary,'' after ''discussions in person'';

(C) by striking ''To the extent possible,'' and inserting the following:

''(2) To the extent possible''; and

(D) by adding at the end the following:

''(3)(A) The plans referred to in paragraph (1)(C) shall include estimates of—

''(i) the number of refugees the President expects to have ready to travel to the United States at the beginning of the fiscal year;

''(ii) the number of refugees and the stipulated populations the President expects to admit to the United States in each quarter of the fiscal year; and

''(iii) the number of refugees the President expects to have ready to travel to the United States at the end of the fiscal year.

''(B) The Secretary of Homeland Security shall ensure that an adequate number of refugees are processed during the fiscal year to fulfill the refugee admissions goals under subsections (a) and (b).''.

SEC. 19. ADMISSION OF REFUGEES IN THE ABSENCE OF THE ANNUAL PRESIDENTIAL DETERMINATION.

Section 207(a) of the Immigration and Nationality Act (8 U.S.C. 1157(a)) is amended—

(1) by striking paragraph (1);

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

(3) in paragraph (1), as redesignated—

(A) by striking ''after fiscal year 1982''; and

(B) by adding at the end the following: ''If the President does not issue a determination under this paragraph before the beginning of a fiscal year, the number of refugees that may be admitted under this section in each quarter before the issuance of such determination shall be 25 percent of the number of refugees admissible under this section during the previous fiscal year.''; and

(4) in paragraph (3), as redesignated, by striking ''(beginning with fiscal year 1992)''.

SEC. 20. AUTHORITY TO DESIGNATE CERTAIN GROUPS OF REFUGEES FOR CONSIDERATION.

(a) IN GENERAL.—Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1)) is amended—

(1) by inserting ''(A)'' before ''Subject to the numerical limitations''; and

(2) by adding at the end the following:

''(B)(i) The Secretary of State, after notification to Congress, may designate specifically defined groups of aliens whose resettlement in the United States is justified by humanitarian concerns or is otherwise in the national interest and who share common characteristics that identify them as targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion or who otherwise have a shared need for resettlement due to vulnerabilities or a lack of local integration prospects in their country of first asylum.

''(ii) An alien who establishes membership in a group designated under clause (i) to the satisfaction of the designee of the Secretary of Homeland Security shall establish, for purposes of admission as a refugee under this section, that such alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

''(iii) A designation under clause (i)—

''(I) shall expire at the end of each fiscal year; and

''(II) may be extended by the Secretary of State after notification to Congress.

''(iv) An alien's admission under this subparagraph shall count against the refugee admissions goal under subsection (a).

''(v) A designation under clause (i) shall not influence decisions to grant, to any alien, asylum under section 208, protection under section 241(b)(3), or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 21. UPDATE OF RECEPTION AND PLACEMENT GRANTS.

Beginning with fiscal year 2012, not later than 30 days before the beginning of each fiscal year, the Secretary shall notify Congress of the amount of funds that the Secretary will provide in its Reception and Placement Grants in the coming fiscal year. In setting the amount of such grants each year, the Secretary shall ensure that—

(1) the grant amount is adjusted so that it is adequate to provide for the anticipated initial resettlement needs of refugees, including adjusting the amount for inflation and the cost of living;

(2) an amount is provided at the beginning of the fiscal year to each national resettlement agency that is sufficient to ensure adequate local and national capacity to serve the initial resettlement needs of refugees the Secretary anticipates the agency will resettle throughout the fiscal year; and

(3) additional amounts are provided to each national resettlement agency promptly upon the arrival of refugees that, exclusive of the amounts provided pursuant to paragraph (2), are sufficient to meet the anticipated initial resettlement needs of such refugees and support local and national operational costs in excess of the estimates described in paragraph (1).

SEC. 22. LEGAL ASSISTANCE FOR REFUGEES AND ASYLEES.

Section 412(c)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1522(c)(1)(A)) is amended—

(1) in clause (ii), by striking ''and'' at an end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) to provide legal services for refugees to assist them in obtaining immigration benefits for which they are eligible; and''.

SEC. 23. PROTECTION FOR ALIENS INTERDICTED AT SEA.

Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended—

(1) in the paragraph heading, by striking ''TO A COUNTRY WHERE ALIEN'S LIFE OR FREEDOM WOULD BE THREATENED'' and inserting ''OR RETURN IF REFUGEE'S LIFE OR FREEDOM WOULD BE THREATENED OR ALIEN WOULD BE SUBJECTED TO TORTURE'';

(2) in subparagraph (A)—

(A) by striking ''Notwithstanding'' and inserting the following:

''(i) LIFE OR FREEDOM THREATENED.—Notwithstanding''; and

(B) by adding at the end the following:

''(ii) ASYLUM INTERVIEW.—Notwithstanding paragraphs (1) and (2), a United States officer may not return any alien interdicted or otherwise encountered in international waters or United States waters who has expressed a fear of return to his or her country of departure, origin, or last habitual residence—

''(I) until such alien has had the opportunity to be interviewed by an asylum officer to determine whether that alien has a well-founded fear of persecution because of the alien's race, religion, nationality, membership in a particular social group, or political opinion, or because the alien would be subject to torture in that country; or

''(II) if an asylum officer has determined that the alien has such a well-founded fear of persecution or would be subject to torture in his or her country of departure, origin, or last habitual residence.'';

(3) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(4) by inserting after subparagraph (A) the following:

''(B) PROTECTIONS FOR ALIENS INTERDICTED IN INTERNATIONAL OR UNITED STATES WATERS.—The Secretary of Homeland Security shall issue regulations establishing a uniform procedure applicable to all aliens interdicted in international or United States waters that—

''(i) provides each alien—

''(I) a meaningful opportunity to express, through a translator who is fluent in a language the alien claims to understand, a fear

of return to his or her country of departure, origin, or last habitual residence; and

''(II) in a confidential setting and in a language the alien claims to understand, information concerning the alien's interdiction, including the ability to inform United States officers about any fears relating to the alien's return or repatriation;

''(ii) provides each alien expressing such a fear of return or repatriation a confidential interview conducted by an asylum officer, in a language the alien claims to understand, to determine whether the alien's return to his or her country of origin or country of last habitual residence is prohibited because the alien has a well-founded fear of persecution—

''(I) because of the alien's race, religion, nationality, membership in a particular social group, or political opinion; or

''(II) because the alien would be subject to torture in that country;

''(iii) ensures that each alien can effectively communicate with United States officers through the use of a translator fluent in a language the alien claims to understand; and

''(iv) provides each alien who, according to the determination of an asylum officer, has a well-founded fear of persecution for the reasons specified in clause (ii) or would be subject to torture, an opportunity to seek protection in—

''(I) a country other than the alien's country of origin or country of last habitual residence in which the alien has family or other ties that will facilitate resettlement; or

''(II) if the alien has no such ties, a country that will best facilitate the alien's resettlement, which may include the United States.''.

SEC. 24. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

(a) IN GENERAL.—Chapter 1 of title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding at the end the following:

''SEC. 210A. PROTECTION OF STATELESS PERSONS IN THE UNITED STATES.

''(a) DEFINED TERM.—

''(1) IN GENERAL.—In this section, the term 'de jure stateless person' means an individual who is not considered a national under the laws of any country.

''(2) DESIGNATION OF SPECIFIC DE JURE GROUPS.—The Secretary of Homeland Security may designate specific groups of individuals who are considered de jure stateless persons, for purposes of this section.

''(b) MECHANISMS FOR REGULARIZING THE STATUS OF STATELESS PERSONS.—

''(1) RELIEF FOR INDIVIDUALS DETERMINED TO BE DE JURE STATELESS PERSONS.—The Secretary of Homeland Security or the Attorney General may cancel removal or provide conditional lawful status to an alien who is otherwise inadmissible or deportable from the United States if the alien—

''(A) is a de jure stateless person;

''(B) applies for such relief;

''(C) is not inadmissible under paragraph (2) or (3) of section 212(a);

''(D) is not deportable under paragraph (2), (3), or (4) of section 237(a); and

''(E) is not described in section 241(b)(3)(C)(i).

''(2) WAIVERS.—

''(A) AUTOMATIC WAIVERS.—In determining an alien's eligibility for relief under paragraph (1), paragraphs (4), (5), (6)(A), (7)(A), and (9) of section 212(a) shall not apply.

''(B) APPLICATION.—An alien seeking relief under paragraph (1) may apply to the Secretary or the Attorney General for a waiver of any of the grounds set forth in subparagraph (C) and (D) of paragraph (1).

''(C) OTHER WAIVERS.—The Secretary or the Attorney General may waive any other ground of inadmissibility or deportability (except for section 241(b)(3)(C)(i)) with respect to such an applicant, including felony convictions and health conditions, if such waiver—

''(i) is justified by humanitarian purposes;

''(ii) would ensure family unity; or

''(iii) is otherwise in the public interest.

''(3) WORK AUTHORIZATION.—The Secretary may—

''(A) authorize an alien who has applied for relief under paragraph (1) to engage in employment in the United States while such application is being considered; and

''(B) provide such applicant with an employment authorized endorsement or other appropriate document signifying authorization of employment.

''(4) DEPENDENT SPOUSES AND CHILDREN.—The spouse, child, or unmarried son or daughter of an alien who has been granted conditional lawful status under paragraph (1) may apply for conditional lawful status under this section as a dependent if—

''(A) the dependent properly files an application for such status;

''(B) the dependent is physically present in the United States on the date on which such application is filed;

''(C) the dependent meets the eligibility criteria set forth in paragraph (1); and

''(D) the qualifying relationship to the principal beneficiary existed on the date on which such alien was granted conditional lawful status.

''(c) ADJUSTMENT OF STATUS.—

''(1) INSPECTION AND EXAMINATION.—At the end of the 1-year period beginning on the date on which an alien has been granted conditional lawful status under subsection (b), the alien may apply for lawful permanent residence in the United States if—

''(A) the alien has been physically present in the United States for at least 1 year;

''(B) the alien's conditional lawful status has not been terminated by the Secretary of Homeland Security or the Attorney General, pursuant to such regulations as the Secretary or the Attorney General may prescribe; and

''(C) the alien has not otherwise acquired permanent resident status.

''(2) REQUIREMENTS FOR ADJUSTMENT.—The Secretary or the Attorney General, under such regulations as the Secretary or the Attorney General may prescribe, may adjust the status of an alien granted conditional lawful status under subsection (b) to that of an alien lawfully admitted for permanent residence if such alien—

''(A) is a de jure stateless person;

''(B) properly applies for such adjustment of status;

''(C) has been physically present in the United States for at least 1 year after being granted conditional lawful status under subsection (b);

''(D) is not firmly resettled in any foreign country; and

''(E) is admissible (except as otherwise provided under subsection (b)(2)) as an immigrant under this chapter at the time of examination of such alien for adjustment of status.

''(3) PROVING THE CLAIM.—In determining an alien's eligibility for adjustment of status under this subsection, the Secretary or the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary or the Attorney General.

''(4) RECORD.—Upon approval of an application under this subsection, the Secretary or the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date that is 1 year before the date of such approval.

''(d) REVIEW.—

''(1) ADMINISTRATIVE REVIEW.—The Attorney General shall provide applicants for relief under this section the same right to, and procedures for, administrative review as are provided to aliens subject to removal proceedings under section 240.

''(2) JUDICIAL REVIEW.—The United States Court of Appeals shall—

''(A) sustain a final decision denying relief under this section unless it is contrary to law, an abuse of discretion, or not supported by substantial evidence; and

''(B) decide the petition only on the administrative record on which the denial of relief is based.

''(3) MOTIONS TO REOPEN.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings, any individual who is eligible for relief under this section may file 1 motion to reopen removal or deportation proceedings in order to apply for relief under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by inserting after the item relating to section 210 the following:

''Sec. 210A. Protection of stateless persons in the United States.''.

SEC. 25. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and the amendments made by this Act.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3117. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, I am pleased to join today with my colleague from Maine, Senator SNOWE, to introduce the Promote Nanotechnology in Schools Act of 2010.

As Co-Chair of the Congressional Nanotechnology Caucus, and former Chair of the Commerce Subcommittee on Science, Technology, and Innovation, I have been involved in encouraging the development of nanotechnology for many years. Although I am gratified by the tremendous advancements that have already been achieved in nanotechnology, there are significant hurdles that could prevent the U.S. from realizing the full potential that nanotechnology holds for job creation, economic growth, and international competitiveness.

During this challenging period when the economy is faltering and the government is working to help create jobs, nanotechnology represents an opportunity to provide long-term, well-paid employment for millions of Americans. In fact, the National Nanotechnology Initiative—the Federal Government organization that coordinates nanotechnology research across all Federal agencies—estimates that the global nanotechnology workforce will require 2 million trained workers by 2015. It is estimated that only 20,000 workers are currently employed in this field.

To ensure that many of the needed jobs will be created here in the U.S., it is necessary to provide our students

with the tools that will provide the skills and knowledge that nanotechnology companies need. This is exactly what the Promote Nanotechnology in Schools Act will do.

This act directs the National Science Foundation to establish a grant program that would provide schools, community colleges, 2- and 4-year colleges and universities and other educational institutions with up to $400,000 to purchase nanotechnology education equipment and materials. Schools participating in the program would be required to provide matching funds of at least 1/4 of the amount of the grant.

In my home State, it has been very rewarding to see the technological advances and entrepreneurial success achieved by the Oregon Nanoscience and Microtechnologies Institute, ONAMI. Oregon's first signature research center, ONAMI is a public-private partnership between the State's top research universities, major corporations, and small business entrepreneurs. Working with top scientists and graduate students, and leveraging the nanotechnology equipment available at Oregon's public universities, ONAMI has provided gap funding to 18 start-up businesses, which have created at least 60 new jobs.

While Oregon has been a leader in this arena, it is certainly not alone. Nanotechnology job creation efforts are accelerating in hubs for technology development throughout the country. As Co-Chair of the Congressional Nanotechnology Caucus, I have had the opportunity to talk with innovators and entrepreneurs from nanotechnology companies working in the areas as diverse as energy management, health technology, environmental sciences, advanced computing, textile and material sciences, and many others. What I have heard in common across all of these fields is the need for qualified workers.

If high school and college students are not exposed to nanotechnology, this emerging field will not be able to reach its full potential. Without a qualified workforce that will allow nanotech companies in this country to scale-up, foreign competitors will be able to fill the vacuum in the global marketplace. With the Promote Nanotechnology in Schools Act, this country will put the resources into place that will prepare our students to meet the needs of the emerging nanotech economy.

That is why I want to thank Senator SNOWE for joining me in introducing this timely, and much-needed legislation. I also want to acknowledge the support and efforts of the nanotech companies that worked with me and other Members of Congress to help build support for this bill. Finally, I call upon my colleagues to move quickly not only to pass this legislation but also the National Nanotechnology Initiative Amendments Act reauthorization. These important bills will help advance nanotechnology in this country, and protect the U.S.'s position at the forefront of innovation and economic opportunity.

I urge all my colleagues to support innovation and promote entrepreneurial competition by cosponsoring this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 454—SUPPORTING THE GOALS OF WORLD TUBERCULOSIS DAY TO RAISE AWARENESS ABOUT TUBERCULOSIS

Mr. BROWN of Ohio submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 454

Whereas tuberculosis (TB) is the second leading global infectious disease killer behind HIV/AIDS, claiming 1,800,000 lives each year;

Whereas the global TB pandemic and spread of drug resistant TB present a persistent public health threat to the United States;

Whereas according to 2009 data from the World Health Organization, 5 percent of all new TB cases are drug resistant;

Whereas TB is the leading killer of people with HIV/AIDS;

Whereas TB is the third leading killer of adult women, and the stigma associated with TB disproportionately affects women, causing them to delay seeking care and interfering with treatment adherence;

Whereas the Institute of Medicine found that the resurgence of TB between 1980 and 1992 was caused by cuts in TB control funding and the spread of HIV/AIDS;

Whereas, although the numbers of TB cases in the United States continue to decline, progress towards TB elimination has slowed, and it is a disease that does not recognize borders;

Whereas an extensively drug resistant strain of TB, known as XDR-TB, is very difficult and expensive to treat and has high and rapid fatality rates, especially among HIV/AIDS patients;

Whereas the United States has had more than 83 cases of XDR-TB over the last decade;

Whereas the Centers for Disease Control and Prevention estimated in 2009 that it costs $483,000 to treat a single case of XDR-TB;

Whereas African-Americans are 8 times more likely to have TB than Caucasians, and significant disparities exist among other United State minorities, including Native Americans, Asian-Americans, and Hispanic-Americans;

Whereas the United States public health system has the expertise to eliminate TB, but many State TB programs have been left seriously under-resourced due to budget cuts at a time when TB cases are growing more complex to diagnose and treat;

Whereas, although drugs, diagnostics, and vaccines for TB exist, these technologies are antiquated and are increasingly inadequate for controlling the global epidemic;

Whereas the most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children;

Whereas current tests to detect drug resistance take at least 1 month to complete and faster drug susceptibility tests must be developed to stop the spread of drug resistant TB;

Whereas the TB vaccine, BCG, provides some protection to children, but has little or no efficacy in preventing pulmonary TB in adults;

Whereas there is also a critical need for new TB drugs that can safely be taken concurrently with antiretroviral therapy for HIV;

Whereas the Global Health Initiative commits to reducing TB prevalence by 50 percent;

Whereas enactment of the Lantos-Hyde Global Leadership Against HIV/AIDS, TB, and Malaria Act and the Comprehensive TB Elimination Act provide an historic United States commitment to the global eradication of TB, including to the successful treatment of 4,500,000 new TB patients and 90,000 new multi-drug resistant (MDR) TB cases by 2013, while providing additional treatment through coordinated multilateral efforts;

Whereas the United States Agency for International Development provides financial and technical assistance to nearly 40 highly burdened TB countries and supports the development of new diagnostic and treatment tools, and is authorized to support research to develop new vaccines to combat TB;

Whereas the Centers for Disease Control and Prevention, working in partnership with United States, States, and territories, directs the national TB elimination program and essential national TB surveillance, technical assistance, prevention activities, and supports the development of new diagnostic, treatment, and prevention tools to combat TB;

Whereas the National Institutes of Health, through its many institutes and centers, plays the leading role in basic and clinical research into the identification, treatment, and prevention of TB;

Whereas the Global Fund to Fight AIDS, Tuberculosis, and Malaria provides 63 percent of all international financing for TB programs worldwide and finances proposals worth $3,200,000,000 in 112 countries, and TB treatment for 6,000,000 people, 1,800,000 HIV/TB services, and in many countries in which the Global Fund supports programs, TB prevalence is declining, as are TB mortality rates; and

Whereas, March 24, 2010 is World Tuberculosis Day, a day that commemorates the date in 1882 when Dr. Robert Koch announced his discovery of Mycobacterium tuberculosis, the bacteria that causes tuberculosis: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of World Tuberculosis Day to raise awareness about tuberculosis;

(2) commends the progress made by anti-tuberculosis programs, including the United States Agency for International Development, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Global Fund to Fight AIDS, Tuberculosis and Malaria; and

(3) reaffirms its commitment to global tuberculosis control made through the Lantos-Hyde United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2008 (Public Law 108–25; 117 Stat. 711).

SENATE RESOLUTION 455—HONORING THE LIFE, HEROISM, AND SERVICE OF HARRIET TUBMAN

Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. SPECTER, Ms. SNOWE,

Mr. SCHUMER, Mrs. GILLIBRAND, Ms. MIKULSKI, Mr. CARDIN, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 455

Whereas Harriet Ross Tubman was born into slavery as Araminta Ross in Dorchester County, Maryland, in or around 1820;

Whereas in 1849, Ms. Tubman bravely escaped to freedom, traveling alone for approximately 90 miles to Pennsylvania;

Whereas, after escaping slavery, Ms. Tubman participated in the Underground Railroad, a network of routes, people, and houses that helped slaves escape to freedom;

Whereas Ms. Tubman became a ''conductor'' on the Underground Railroad, courageously leading approximately 19 expeditions to help more than 300 slaves to freedom;

Whereas Ms. Tubman served as a spy, nurse, scout, and cook during the Civil War;

Whereas during her service in the Civil War, Ms. Tubman became the first woman in the United States to plan and lead a military expedition, which resulted in successfully freeing more than 700 slaves;

Whereas after the Civil War, Ms. Tubman continued to fight for justice and equality, including equal rights for African-Americans and women;

Whereas Ms. Tubman died on March 10, 1913, in Auburn, New York; and

Whereas the heroic life of Ms. Tubman continues to serve as an inspiration to the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and courageous heroism of Harriet Tubman;

(2) recognizes the great contributions made by Harriet Tubman throughout her lifelong service and commitment to liberty, justice, and equality for all; and

(3) encourages the people of the United States to remember the courageous life of Harriet Tubman, a true hero.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3514. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table.

SA 3515. Mr. NELSON of Nebraska (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3516. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3517. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3518. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3519. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3520. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3521. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 3522. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table.

SA 3523. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3514. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 219. INCLUSION OF HIGH-PERFORMANCE GREEN BUILDINGS AS AIRPORT DEVELOPMENT.

Section 47102(3), as amended by section 208(j) of this Act, is further amended by adding at the end the following:

''(N) modernization, renovation, and repairs of a building to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)).''.

SA 3515. Mr. NELSON of Nebraska (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 24, between lines 18 and 19, insert the following:

(c) QUALIFICATIONS BASED SELECTION.—Section 40117, as amended by subsection (a), is amended by adding at the end the following:

''(o) QUALIFICATIONS BASED SELECTION.—

''(1) IN GENERAL.—Any contract or subcontract, described in paragraph (2) that is funded in whole or in part from the proceeds from passenger facility charges imposed under this section, shall be awarded in the same manner as a contract for architectural and engineering services is awarded under chapter 11 of title 40, United States Code, or an equivalent qualifications-based requirement prescribed for or by the eligible agency.

''(2) CONTRACT OR SUBCONTRACT DESCRIBED.—A contract or subcontract described in this subsection is a contract or subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services.''.

SA 3516. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 302, between lines 3 and 4, insert the following:

SEC. —. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

''(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

''(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

''(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.''.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking ''in accordance with this subsection'' in subsection (c) and inserting ''to the extent provided in such regulations as may be prescribed by the Secretary'', and

(2) by adding at the end the following new subsection:

''(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking ''exclusively''.

(2) Section 1355(b)(1)(B) of such Code is amended by striking ''as a qualifying vessel'' and inserting ''in the transportation of goods or passengers''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3517. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 128, strike lines 11 through 15 and insert the following:

(1) by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share capped at 20 percent.''.

SA 3518. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 723. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) PLAN DEVELOPMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with willing commercial aviation industry partners, for the purpose of taking measurements to improve weather forecasting.

(b) REPORT TO CONGRESS.—The Secretary of Transportation and the Secretary of Commerce shall provide a copy of the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives.

SA 3519. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 266, line 2, strike the end quote and final period at the end and insert the following:

''(j) TRAINEE POSITIONS.—Subject to subsection (b), grant amounts received under this subchapter by airports located in Alaska may be used for trainee positions in the same manner as such positions are authorized for Federal-aid highway projects under section 230.111 of title 23, Code of Federal Regulations (or successor regulations).''.

SA 3520. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 458, after line 23, add the following:

(d) FLIGHT SERVICE STATIONS.—

(1) ESTABLISHMENT OF MONITORING SYSTEM.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(2) COMPONENTS.—At a minimum, the monitoring system developed under paragraph (1) shall include mechanisms to monitor—

(A) flight specialist staffing plans for individual facilities;

(B) actual staffing levels for individual facilities;

(C) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(D) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(3) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) a description of monitoring system;

(B) if the Administrator determines that contractual changes or corrective actions are required for the Federal Aviation Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(C) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(i) material non-performance of the contract;

(ii) a vendor's default, bankruptcy, or acquisition by another entity; or

(iii) any other event that could jeopardize the uninterrupted provision of flight service station services.

(4) ALASKA FLIGHT SERVICE STATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall develop, implement, and submit to Congress a plan for the future of flight service stations in Alaska that includes—

(A) the establishment of a formal training and hiring program for flight service specialists; and

(B) a schedule for necessary inspection, upgrades, and modernization of stations and equipment.

SA 3521. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Department of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. _____. FISCAL YEARS 2010 AND 2011 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2010 AND 2011.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2010 and 2011.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

SA 3522. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

On page 302, between lines 3 and 4, insert the following:

SEC. —. REPEAL OF QUALIFIED SHIPPING INVESTMENT WITHDRAWAL RULES.

(a) IN GENERAL.—Section 955 of the Internal Revenue Code of 1986 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 951(a)(1)(A) of the Internal Revenue Code of 1986 is amended by adding ''and'' at the end of clause (i) and by striking clause (iii).

(2) Section 951(a)(1)(A)(ii) of such Code is amended by striking '', and'' at the end and inserting '', except that in applying this clause amounts invested in less developed country corporations described in section 955(c)(2) (as so in effect) shall not be treated as investments in less developed countries.''.

(3) Section 951(a)(3) of such Code is hereby repealed.

(4) Section 964(b) of such Code is amended by striking '', 955,''.

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

years of controlled foreign corporations ending on or after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. —. TAX IMPOSED ON ELECTING UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—In the case of a United States shareholder for which an election is in effect under this section, a tax is hereby imposed on such shareholder's pro rata share (determined under the principles of paragraph (2) of subsection (a) of section 951 of the Internal Revenue Code of 1986) of the sum of—

(1) the foreign base company shipping income (determined under section 954(f) of the Internal Revenue Code of 1986 as in effect before the enactment of the American Jobs Creation Act of 2004) for all prior taxable years beginning after 1975 and before 1987, and

(2) income described in section 954(b)(2) of the Internal Revenue Code as in effect prior to the effective date of the Tax Reform Act of 1975, without regard to whether such income was not included in subpart F income under section 954(b)(2) or any other provision of such Code,

but only to the extent such income has not previously been included in the gross income of a United States person as a dividend or under any section of the Internal Revenue Code after 1962, or excluded from gross income pursuant to subsection (a) of section 959 of the Internal Revenue Code of 1986.

(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be 5.25 percent of the income described therein.

(c) INCOME NOT SUBJECT TO FURTHER TAX.—The income on which a tax is imposed by subsection (a) shall not (other than such tax) be included in the gross income of such United States shareholder (or any other United States person who acquires from any person any portion of the interest of such United States shareholder in such foreign corporation) and shall be treated for purposes of the Internal Revenue Code of 1986 as if such amounts are, or have been, included in the income of the United States shareholder under section 951(a)(1)(B) of such Code.

(d) ADDITIONAL TAX IMPOSED FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

(1) IN GENERAL.—If, during the period consisting of the calendar month in which the election under this section is made and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer's prior average employment, an additional amount shall be taken into account as income by the taxpayer during the taxable year that includes the final day of such period, equal to $25,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment.

(2) PRIOR AVERAGE EMPLOYMENT.—For purposes of this subsection, the taxpayer's prior average employment is the average number of full time equivalent employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the election under this section is made.

(3) AGGREGATION RULES.—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group (as defined in section 264(e)(5)(B) of the Internal Revenue Code of 1986) shall be treated as a single taxpayer.

(e) ELECTION.—

(1) IN GENERAL.—A taxpayer may elect to apply this section to—

(A) the taxpayer's last taxable year which begins before the date of the enactment of this Act, or

(B) the taxpayer's first taxable year beginning on or after such date.

(2) TIMING OF ELECTION AND ONE-TIME ELECTION.—Such election may be made only once by any taxpayer, and only if made on or before the due date (including extensions) for filing the return of tax for the taxable year of such election.

(f) EFFECTIVE DATE.—This section shall apply to taxable years ending on or after the date of the enactment of this Act.

SA 3523. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. _____. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who made a rollover of an airline payment amount to a Roth IRA pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008, may transfer to a traditional IRA all or any part of the Roth IRA attributable to such rollover, and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

NOTICE OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment to H.R. 2847, the Hiring Incentives to Restore Employment Act, including germaneness requirements:

At the end of the bill, insert the following:

SEC. _____. FISCAL YEARS 2010 AND 2011 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) DEFINITIONS.—For the purpose of this section—

(1) the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term ''limited tax benefit'' means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term ''limited tariff benefit'' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) FISCAL YEARS 2010 AND 2011.—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2010 and 2011.

(h) APPLICATION.—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on National Parks, for Wednesday, March 17, 2010, will begin at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

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, and for other purposes;

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, and for other purposes;

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, and for other purposes;

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, and for other purposes;

S. 2892, to establish the Alabama Black Belt National Heritage Area, and for other purposes;

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, and for other purposes;

S. 2951, to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and for other purposes; 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, 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 should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Allison Seyferth at (202) 224–4905.

TAX EXTENDERS ACT OF 2009

On Wednesday, March 10, 2010, the Senate passed H.R. 4213, as amended, as follows:

H.R. 4213

Resolved, That the bill from the House of Representatives (H.R. 4213) entitled ''An Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.'', do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American 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:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

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.
Sec. 102. Incentives for biodiesel and renewable diesel.
Sec. 103. Credit for electricity produced at certain open-loop biomass facilities.
Sec. 104. Credit for refined coal facilities.
Sec. 105. Credit for production of low sulfur diesel fuel.
Sec. 106. Credit for producing fuel from coke or coke gas.
Sec. 107. New energy efficient home credit.
Sec. 108. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
Sec. 109. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 110. Suspension of limitation on percentage depletion for oil and gas from marginal wells.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

Sec. 111. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 112. Additional standard deduction for State and local real property taxes.
Sec. 113. Deduction of State and local sales taxes.
Sec. 114. Contributions of capital gain real property made for conservation purposes.
Sec. 115. Above-the-line deduction for qualified tuition and related expenses.
Sec. 116. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 117. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.

PART II—LOW-INCOME HOUSING CREDITS

Sec. 121. Election for refundable low-income housing credit for 2010.

Subtitle C—Business Tax Relief

Sec. 131. Research credit.
Sec. 132. Indian employment tax credit.
Sec. 133. New markets tax credit.
Sec. 134. Railroad track maintenance credit.
Sec. 135. Mine rescue team training credit.
Sec. 136. Employer wage credit for employees who are active duty members of the uniformed services.
Sec. 137. 5-year depreciation for farming business machinery and equipment.

Sec. 138. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 139. 7-year recovery period for motorsports entertainment complexes.
Sec. 140. Accelerated depreciation for business property on an Indian reservation.
Sec. 141. Enhanced charitable deduction for contributions of food inventory.
Sec. 142. Enhanced charitable deduction for contributions of book inventories to public schools.
Sec. 143. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
Sec. 144. Election to expense mine safety equipment.
Sec. 145. Special expensing rules for certain film and television productions.
Sec. 146. Expensing of environmental remediation costs.
Sec. 147. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 148. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 149. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.
Sec. 150. Timber REIT modernization.
Sec. 151. Treatment of certain dividends and assets of regulated investment companies.
Sec. 152. RIC qualified investment entity treatment under FIRPTA.
Sec. 153. Exceptions for active financing income.
Sec. 154. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 155. Reduction in corporate rate for qualified timber gain.
Sec. 156. Basis adjustment to stock of S corps making charitable contributions of property.
Sec. 157. Empowerment zone tax incentives.
Sec. 158. Tax incentives for investment in the District of Columbia.
Sec. 159. Renewal community tax incentives.
Sec. 160. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 161. American Samoa economic development credit.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

Sec. 171. Waiver of certain mortgage revenue bond requirements.
Sec. 172. Losses attributable to federally declared disasters.
Sec. 173. Special depreciation allowance for qualified disaster property.
Sec. 174. Net operating losses attributable to federally declared disasters.
Sec. 175. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 181. Special depreciation allowance for nonresidential and residential real property.
Sec. 182. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 183. Special depreciation allowance.
Sec. 184. Increase in rehabilitation credit.
Sec. 185. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.

SUBPART C—MIDWESTERN DISASTER AREAS

Sec. 191. Special rules for use of retirement funds.
Sec. 192. Exclusion of cancellation of mortgage indebtedness.

TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

Subtitle A—Unemployment Insurance

Sec. 201. Extension of unemployment insurance provisions.

Subtitle B—Health Provisions

Sec. 211. Extension and improvement of premium assistance for COBRA benefits.
Sec. 212. Extension of therapy caps exceptions process.
Sec. 213. Treatment of pharmacies under durable medical equipment accreditation requirements.
Sec. 214. Enhanced payment for mental health services.
Sec. 215. Extension of ambulance add-ons.
Sec. 216. Extension of geographic floor for work.
Sec. 217. Extension of payment for technical component of certain physician pathology services.
Sec. 218. Extension of outpatient hold harmless provision.
Sec. 219. EHR Clarification.
Sec. 220. Extension of reimbursement for all Medicare part B services furnished by certain Indian hospitals and clinics.
Sec. 221. Extension of certain payment rules for long-term care hospital services and of moratorium on the establishment of certain hospitals and facilities.
Sec. 222. Extension of the Medicare rural hospital flexibility program.
Sec. 223. Extension of section 508 hospital reclassifications.
Sec. 224. Technical correction related to critical access hospital services.
Sec. 225. Extension for specialized MA plans for special needs individuals.
Sec. 226. Extension of reasonable cost contracts.
Sec. 227. Extension of particular waiver policy for employer group plans.
Sec. 228. Extension of continuing care retirement community program.
Sec. 229. Funding outreach and assistance for low-income programs.
Sec. 230. Family-to-family health information centers.
Sec. 231. Implementation funding.
Sec. 232. Extension of ARRA increase in FMAP.
Sec. 233. Extension of gainsharing demonstration.

Subtitle C—Other Provisions

Sec. 241. Extension of use of 2009 poverty guidelines.
Sec. 242. Refunds disregarded in the administration of Federal programs and federally assisted programs.
Sec. 243. State court improvement program.
Sec. 244. Extension of national flood insurance program.
Sec. 245. Emergency disaster assistance.
Sec. 246. Small business loan guarantee enhancement extensions.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

Sec. 301. Extended period for single-employer defined benefit plans to amortize certain shortfall amortization bases.
Sec. 302. Application of extended amortization period to plans subject to prior law funding rules.
Sec. 303. Lookback for certain benefit restrictions.
Sec. 304. Lookback for credit balance rule for plans maintained by charities.

Subtitle B—Multiemployer Plans

Sec. 311. Adjustments to funding standard account rules.

TITLE IV—OFFSET PROVISIONS

Subtitle A—Black Liquor

Sec. 401. Exclusion of unprocessed fuels from the cellulosic biofuel producer credit.
Sec. 402. Prohibition on alternative fuel credit and alternative fuel mixture credit for black liquor.

Subtitle B—Homebuyer Credit

Sec. 411. Technical modifications to homebuyer credit.

Subtitle C—Economic Substance

Sec. 421. Codification of economic substance doctrine; penalties.

Subtitle D—Additional Provisions

Sec. 431. Revision to the Medicare Improvement Fund.

TITLE V—SATELLITE TELEVISION EXTENSION

Sec. 500. Short title.

Subtitle A—Statutory Licenses

Sec. 501. Reference.
Sec. 502. Modifications to statutory license for satellite carriers.
Sec. 503. Modifications to statutory license for satellite carriers in local markets.
Sec. 504. Modifications to cable system secondary transmission rights under section 111.
Sec. 505. Certain waivers granted to providers of local-into-local service for all DMAs.
Sec. 506. Copyright Office fees.
Sec. 507. Termination of license.
Sec. 508. Construction.

Subtitle B—Communications Provisions

Sec. 521. Reference.
Sec. 522. Extension of authority.
Sec. 523. Significantly viewed stations.
Sec. 524. Digital television transition conforming amendments.
Sec. 525. Application pending completion of rulemakings.
Sec. 526. Process for issuing qualified carrier certification.
Sec. 527. Nondiscrimination in carriage of high definition digital signals of noncommercial educational television stations.
Sec. 528. Savings clause regarding definitions.
Sec. 529. State public affairs broadcasts.

Subtitle C—Reports and Savings Provision

Sec. 531. Definition.
Sec. 532. Report on market based alternatives to statutory licensing.
Sec. 533. Report on communications implications of statutory licensing modifications.
Sec. 534. Report on in-state broadcast programming.
Sec. 535. Local network channel broadcast reports.
Sec. 536. Savings provision regarding use of negotiated licenses.
Sec. 537. Effective date; noninfringement of copyright.

Subtitle D—Severability

Sec. 541. Severability.

TITLE VI—OTHER PROVISIONS

Sec. 601. Increase in the Medicare physician payment update.
Sec. 602. Election to temporarily utilize unused AMT credits determined by domestic investment.
Sec. 603. Information reporting for rental property expense payments.
Sec. 604. Extension of low-income housing credit rules for buildings in GO zones.
Sec. 605. Increase in information return penalties.

Sec. 606. Tax-exempt bond financing.
Sec. 607. Application of levy to payments to Federal vendors relating to property.
Sec. 608. Election for refundable low-income housing credit for 2010.
Sec. 609. Low-income housing grant election.
Sec. 610. Rollovers from elective deferral plans to Roth designated accounts.
Sec. 611. Modification of standards for windows, doors, and skylights with respect to the credit for nonbusiness energy property.
Sec. 612. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 613. Extension of special allowance for certain property.
Sec. 614. Application of bad checks penalty to electronic payments.
Sec. 615. Grants for energy efficient appliances in lieu of tax credit.
Sec. 616. Budgetary effects of legislation passed by the Senate.
Sec. 617. Senate spending disclosure.
Sec. 618. Allocation of geothermal receipts.
Sec. 619. Qualifying timber contract options.
Sec. 620. ARRA planning and reporting.
Sec. 621. GAO study.
Sec. 622. Extension and modification of section 45 credit for refined coal from steel industry fuel.
Sec. 623. Modifications to mine rescue team training credit and election to expense advanced mine safety equipment.
Sec. 624. Application of continuous levy to employment tax liability of certain Federal contractors.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

Sec. 701. Determination of budgetary effects.

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 ''April 5, 2010'' each place it appears and inserting ''December 31, 2010'';

(B) in the heading for subsection (b)(2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in subsection (b)(3), by striking ''September 4, 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 ''April 5, 2010'' and inserting ''December 31, 2010'';

(B) in the heading for paragraph (2), by striking ''APRIL 5, 2010'' and inserting ''DECEMBER 31, 2010''; and

(C) in paragraph (3), by striking ''October 5, 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 ''April 5, 2010'' each place it appears and inserting ''January 1, 2011''; and

(B) in subsection (c), by striking ''September 4, 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 ''September 4, 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 (C), by striking ''and'' at the end; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) 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 Temporary Extension Act of 2010.

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), as amended by section 3 of the Temporary Extension Act of 2010, is amended by striking ''March 31, 2010'' and inserting ''December 31, 2010''.

(b) 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 April 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) 2010 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.''.

(c) 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.

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 ''March 31, 2010'' 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 Act 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 31, 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.''. The amendment made by this section shall be considered to have taken effect on February 28, 2010.

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 drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than fruits and vegetables or 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 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 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 on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) 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 for counties described in paragraph (1)(B) may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to 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) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

(6) 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 for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 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'', $560,000,000, 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 ''March 28, 2010'' and inserting ''December 31, 2010''.

(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 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—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the 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) ANNUAL LIMITATION.—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.

''(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.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) 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 28, 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 after February 28, 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 March 1, 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 the sum of the dividends

declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(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 28, 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).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(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 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under 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—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the 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) ANNUAL LIMITATION.—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.

''(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.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) 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 28, 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 after February 28, 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 March 1, 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 the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) 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, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(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 28, 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).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(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 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under 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 (determined without regard to section 414(c) of the Internal Revenue Code) 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.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 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, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(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, 2008.

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 any experience loss or gain attributable to net investment losses 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 the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(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 the first 2 plan years beginning after August 31, 2008, 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—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) 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 any experience loss or gain attributable to net investment losses 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 the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(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 the first 2 plan years beginning after August 31, 2008, 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—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) 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 beginning 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. 500. 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 ''May 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 ''March 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 ''July 1, 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 ''March 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 ''March 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 ''March 28, 2010'' and inserting ''December 31, 2014''; and

(2) in paragraph (3)(C), by striking ''March 29, 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 210 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 210 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 210 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.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—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 ''March 31, 2010'' and inserting ''September 30, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''October 1, 2010''.

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.

SEC. 604. 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. 605. 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.

SEC. 606. 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''.

SEC. 607. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 608. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

Subsection (n) of section 42, as added by section 121, is amended to read as follows:

''(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'.''.

SEC. 609. 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.

SEC. 610. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

SEC. 611. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American 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.

SEC. 612. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 613. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110–246) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

SEC. 614. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 is amended—

(1) by striking ''If any check or money order in payment of any amount'' and inserting ''If any instrument in payment, by any commercially acceptable means, of any amount'', and

(2) by striking ''such check'' each place it appears and inserting ''such instrument''.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

SEC. 615. GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

SEC. 616. BUDGETARY EFFECTS OF LEGISLATION PASSED BY THE SENATE.

(a) ESTABLISHMENT OF WEB PAGE.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of the Senate shall establish on the official website of the United States Senate (www.senate.gov) a page entitled ''Information on the Budgetary Effects of Legislation Considered by the Senate'' which shall include—

(A) links to appropriate pages on the website of the Congressional Budget Office (www.cbo.gov) that contain cost estimates of legislation passed by the Senate; and

(B) as available, links to pages with any other information produced by the Congressional Budget Office that summarize or further explain the budgetary effects of legislation considered by the Senate.

(2) UPDATES.—The Secretary of the Senate shall update this page every 3 months.

(b) CBO REQUIREMENTS.—Nothing in this section shall be construed as imposing any new requirements on the Congressional Budget Office.

SEC. 617. 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.

SEC. 618. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 619. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 620. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting ''PLANS AND'' after ''AGENCY'';

(B) by striking ''Not later than'' and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

''(A) in an amount that is—

''(i) more than $2,000,000,000; and

''(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

''(B) that did not exist before the date of enactment of this Act.

''(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

''(A) a description of the goals for the covered program using recovery funds;

''(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

''(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

''(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

''(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

''(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

''(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

''(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

''(i) discusses the progress of the agency in implementing the plan;

''(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

''(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

''(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

''(v) discusses—

''(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

''(II) if the covered program has failed to meet the milestones, the reasons why; and

''(III) any changes in the milestones for the covered program, including the reasons for the change;

''(vi) discusses the performance of the covered program, including—

''(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

''(II) if the covered program has failed to meet the performance measures, the reasons why; and

''(III) any trends in information relating to the performance of the covered program; and

''(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.'';

(2) in subsection (f)—

(A) by striking ''Within 180 days'' and inserting the following:

''(1) IN GENERAL.—Within 180 days''; and

(B) by adding at the end the following:

''(2) PENALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than $250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

''(B) NOTIFICATION.—

''(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

''(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

''(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

''(i) the number of times the recipient has failed to provide the information required under subsection (c);

''(ii) the amount of recovery funds provided to the recipient;

''(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

''(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

''(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

''(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

''(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

''(4) PUBLIC LISTING.—

''(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

''(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

''(5) REGULATIONS AND REPORTING.—

''(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

''(B) REPORTING.—

''(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include—

''(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

''(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

''(III) any other information determined appropriate by the Director.''; and

(3) by adding at the end the following:

''(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.''.

SEC. 621. 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 and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

SEC. 622. 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.

SEC. 623. 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.

SEC. 624. APPLICATION OF CONTINUOUS LEVY TO EMPLOYMENT TAX LIABILITY OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Section 6330(h) is amended by inserting ''or if the person subject to the levy (or any predecessor thereof) is a Federal contractor that was identified as owing such employment taxes through the Federal Payment Levy Program'' before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after December 31, 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.

ORDER FOR EXHIBITING ARTICLES OF IMPEACHMENT AGAINST G. THOMAS PORTEOUS, JR.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Secretary inform the House of Representatives the Senate is ready to receive the managers appointed by the House of Representatives for the purpose of exhibiting articles of impeachment against G. Thomas Porteous, Jr., Judge of the U.S. District Court for the Eastern District of Louisiana, agreeable to the notice communicated to the Senate, and at the hour of 2 p.m., Wednesday, March 17, 2010, the Senate will receive the honorable managers on the part of the House of Representatives in order that they may present and exhibit the said articles of impeachment against the said G. Thomas Porteous, Jr., Judge of the U.S. District Court for the Eastern District of Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING HARRIET TUBMAN

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 455, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 455) honoring the life, heroism, and service of Harriet Tubman.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 455) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 455

Whereas Harriet Ross Tubman was born into slavery as Araminta Ross in Dorchester County, Maryland, in or around 1820;

Whereas in 1849, Ms. Tubman bravely escaped to freedom, traveling alone for approximately 90 miles to Pennsylvania;

Whereas, after escaping slavery, Ms. Tubman participated in the Underground Railroad, a network of routes, people, and houses that helped slaves escape to freedom;

Whereas Ms. Tubman became a ''conductor'' on the Underground Railroad, courageously leading approximately 19 expeditions to help more than 300 slaves to freedom;

Whereas Ms. Tubman served as a spy, nurse, scout, and cook during the Civil War;

Whereas during her service in the Civil War, Ms. Tubman became the first woman in the United States to plan and lead a military expedition, which resulted in successfully freeing more than 700 slaves;

Whereas after the Civil War, Ms. Tubman continued to fight for justice and equality, including equal rights for African-Americans and women;

Whereas Ms. Tubman died on March 10, 1913, in Auburn, New York; and

Whereas the heroic life of Ms. Tubman continues to serve as an inspiration to the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and courageous heroism of Harriet Tubman;

(2) recognizes the great contributions made by Harriet Tubman throughout her lifelong service and commitment to liberty, justice, and equality for all; and

(3) encourages the people of the United States to remember the courageous life of Harriet Tubman, a true hero.

RECOGNIZING AND CONGRATULATING COLORADO SPRINGS, COLORADO

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Con. Res 53 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res 53) recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National Emergency Medical Services Memorial.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWN of Ohio. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 53

Whereas in 1928, Julian Stanley Wise founded the first volunteer rescue squad in the United States, the Roanoke Life Saving and First Aid Crew, and Virginia subsequently took the lead in honoring the thousands of people nationwide who give their time and energy to community rescue squads;

Whereas in 1993, to further recognize the selfless contributions of emergency medical service (referred to in this preamble as ''EMS'') personnel nationwide, the Virginia Association of Volunteer Rescue Squads, Inc., and the Julian Stanley Wise Foundation organized the first annual National Emergency Medical Services Memorial Service in Roanoke, Virginia, to honor EMS personnel from across the country who died in the line of duty;

Whereas the National Emergency Medical Services Memorial Service is the annual memorial service to honor all air and ground EMS providers, including first responders, search and rescue personnel, emergency medical technicians, paramedics, nurses, and pilots;

Whereas the annual National Emergency Medical Services Memorial Service captures national attention by annually honoring and remembering EMS personnel who have given their lives in the line of duty;

Whereas the annual National Emergency Medical Services Memorial Service is devoted to the families, colleagues, and loved ones of those EMS personnel;

Whereas the singular devotion of EMS personnel to the safety and welfare of their fellow citizens is worthy of the highest praise;

Whereas the annual National Emergency Medical Services Memorial Service is a fitting reminder of the bravery and sacrifice of EMS personnel nationwide;

Whereas EMS personnel stand ready 24 hours a day, every day, to assist and serve people in the United States with life-saving medical attention and compassionate care;

Whereas the National Emergency Medical Services Memorial Service Board sought and selected a new city to host the annual National Emergency Medical Services Memorial Service;

Whereas the city of Colorado Springs, Colorado, was chosen to host the National Emergency Medical Services Memorial, the annual National Emergency Medical Services Memorial Service, and the families of our fallen EMS personnel;

Whereas ''Flight for Life'' in Colorado was founded in 1972 as the first civilian-based helicopter medical evacuation system established in the United States;

Whereas ambulance systems in Colorado provide care and transport to approximately 375,000 residents and visitors each year;

Whereas approximately 60 percent of the licensed ambulance services in Colorado are staffed by volunteers that serve the vast rural and frontier communities of Colorado; and

Whereas the life of every person in the United States will be affected, directly or indirectly, by the uniquely skilled and dedicated efforts of EMS personnel who work bravely and tirelessly to preserve the greatest resource in the United States, the people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and congratulates the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National Emergency Services Memorial.

MEASURE READ THE FIRST TIME—H.R. 2314

Mr. BROWN of Ohio. Mr. President, I understand that H.R. 2314 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative read as follows:

A bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

Mr. BROWN of Ohio. I would ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended and extended, reappoints and appoints the following Members to the President's Export Council:

Reappointment: the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. BROWN).

Appointment: the Senator from Oregon (Mr. WYDEN) vice the Senator from North Dakota (Mr. DORGAN).

ORDERS FOR TUESDAY, MARCH 16, 2010

Mr. BROWN of Ohio. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:15 a.m. on Tuesday, March 16; 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 proceed to a period of morning business until 12:30 p.m. with Senators permitted to speak therein for up to 10 minutes each; further, that the time until 10:30 a.m. be equally divided and controlled between the two leaders or their designees, and the time from 10:30 a.m. to 12:30 p.m. be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Tonight we were able to reach an agreement to set the vote with respect to the HIRE Act for 9:30 a.m. Wednesday, March 17. Tomorrow we will resume consideration of the FAA reauthorization bill, and rollcall votes in relation to the FAA bill are possible Tuesday afternoon.

ADJOURNMENT UNTIL 10:15 A.M. TOMORROW

Mr. BROWN of Ohio. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Tuesday, March 16, 2010, at 10:15 a.m.

EXTENSIONS OF REMARKS

RECOGNITION OF THE OHIO STATE SCHOOL FOR THE BLIND MARCHING BAND ON MARCHING IN THE 2010 TOURNAMENT OF ROSES PARADE

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the Ohio State School for the Blind Marching Band, who in January 2010, became the first blind marching band in the nation to march in the Tournament of Roses Parade in Pasadena, California. Thirty-five talented and inspirational blind students, accompanied by their sighted marching assistants, demonstrated their unique abilities by marching alongside some of the nation's top marching bands.

Located in Columbus, the publicly-funded Ohio State School for the Blind offers academic, vocational, and extra-curricular opportunities to its students. The school is committed to developing their students' potential by partnering with the community to ensure that their students' educational experience is both effective and enjoyable.

The Ohio State School for the Blind has the only fully blind marching band in the nation. Before joining the Tournament of Roses Parade, the marching band performed at the Ohio School for the Deaf football games and other local events. This unique marching band was formed in 2005 and the members were thrilled to discover in October 2008 that their application to march in the Tournament of Roses Parade had been approved.

January 1, 2010, was an exciting day for central Ohio. In addition to celebrating the victory of The Ohio State Buckeyes over the University of Oregon Ducks, I was proud to see the young people of the Ohio State School for the Blind Marching Band represent our district with such passion and skill. The marching band completed the full parade route of almost six miles and participated in the halftime show, wowing the crowds with their signature performance of Script Ohio in Braille.

The Ohio School for the Blind provides an immeasurable service to our blind children and their families. Their marching band's recent trip to California is an excellent example of one of the many achievements these dedicated and talented students have attained. It is with great pride that I honor the Ohio State School for the Blind and congratulate its stellar Marching Band on such a remarkable achievement.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Ms. WOOLSEY. Madam Speaker, on March 11, 2010, I was unavoidably detained and was unable to record my vote for rollcall Nos. 92–94. Had I been present I would have voted: rollcall 103: "yes"—On Agreeing to Article II of the Resolution; and rollcall 104: "yes"—On Agreeing to Article III of the Resolution.

RECOGNITION OF THE SHAMROCK CLUB AND THE IRISH COMMUNITY OF CENTRAL OHIO

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Ms. KILROY. Madam Speaker, I rise today in support of The Shamrock Club of Columbus and its president Francis Doyle for their efforts to share and celebrate the historical, cultural, and social contributions of Irish-Americans. The Shamrock Club of Columbus is a nonprofit social organization that hosts events throughout the year and builds lasting friendships between Columbus residents.

On March 17, 2010, The Shamrock Club will join other members of our nation's Irish community in celebrating Saint Patrick's Day. Each year, The Shamrock Club celebrates the Feast of Saint Patrick with a procession, a mass, a parade, and the annual Irish Family Reunion. Since 1936, this group has organized and sponsored the traditional St. Patrick's Day Parade, which has become a beloved tradition for families throughout Columbus area.

The Shamrock Club benefits from the leadership of President Francis Doyle, a man whose dedication to the Irish community of Columbus has made him an influential member of the group since he first joined over 40 years ago. Before being named president, Francis helped to organize the annual Irish Family Reunion, which brings together Irish families and supporters for an afternoon of activities and celebration. Francis has proven to be an energetic and intelligent president, and under his leadership The Shamrock Club has grown to almost 2,500 members.

The members of The Shamrock Club and Irish-Americans throughout central Ohio have contributed greatly to the social and cultural development of our community. I am proud to honor Francis Doyle, The Shamrock Club of Columbus, and the large and vibrant Irish community in central Ohio as they join together to celebrate Irish heritage.

AFGHANISTAN WAR POWERS RESOLUTION

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 2010

Mr. CAPUANO. Madam Speaker, I rise today in support of the resolution introduced by my colleague, Rep. DENNIS KUCINICH, with the aim of bringing an end to the U.S. troop commitment in Afghanistan. I am a cosponsor of this resolution because, while not perfect, I believe it initiates a debate that is long overdue in Congress: what is our military strategy in Afghanistan and what future mission or missions are planned for our troops there? How long are they to be deployed and what are they being asked to accomplish? Do we also have a coherent diplomatic strategy for South Asia, involving not just Afghanistan but both Pakistan and India?

For some time now, I have advocated the development of a U.S. exit strategy for Afghanistan. I voted to authorize use of force in 2001 against those responsible for the September 11 attacks. President Bush rightly determined that the Taliban regime in Afghanistan was providing shelter and material support to al-Qaeda, and he sent U.S. forces to Afghanistan to root out the terrorists. But the terrorists have now been largely driven from Afghanistan, and yet, President Obama seeks to increase our troop deployment to over 100,000 men and women in uniform. Given the statement from General Jim Jones last fall that there are currently fewer than 100 al-Qaeda members in Afghanistan, I have to question why a troop build up is necessary if our goal is to pursue the terrorists. In fact, I think all of my colleagues should question this.

It may not be realistic to withdraw all of our troops by year's end, and I believe we should retain the ability to take limited military action in concert with the Government of Afghanistan in certain circumstances. However, the time to change course and start concluding this war is now. We must plan for the orderly redeployment of troops and rethink our approach to fighting terrorism globally.

I thank my colleague for introducing this resolution and encouraging a fresh look at U.S. military policy. I know that we will continue to raise this issue until it has registered at the highest levels and we are able to bring our men and women in uniform home.

HONORING GLADYS FLAMER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor Gladys Flamer, a Coatesville, Pennsylvania resident whose tremendous dedication to her community and church and participation in local politics have earned her the Fourth Annual Rebecca Lukens Award.

At 103 years old, Gladys maintains an incredible work ethic that she developed at her father's side helping with farm chores and polishing silver with other employees at the estate of Lukens Steel President Robert Wolcott. After holding jobs as a licensed practical nurse and owning her own beauty salon, Gladys retired from her jobs as a sales associate at Strawbridge and Clothier at age 90.

She still bakes homemade pies and serves lunch to the Thursday Retired Men's Club in Coatesville.

Gladys has worked equally hard to help improve the Coatesville community. She is a member of the Coatesville Historical Commission, The Eastern Stars, The Better Community Group, and the Coatesville Senior Center. She also served as a Judge of Elections in Coatesville's Fifth Ward and as President and Treasurer of the Hyacinth Federated Club. As a member of the Historical Hutchinson Memorial UAME Church, Gladys has been a member of the Senior Usher Board for more than 84 years, serving 17 years as President.

The Graystone Society, located in the Lukens National Historic District of Coatesville, will present the Rebeca Lukens award during a reception March 18, 2010 in the Lukens Executive Office Building.

Madam Speaker, I ask my colleagues to join me in honoring Gladys Flamer for her longstanding civic involvement and tireless work in helping others. She is an inspiration to all.

HONORING MEMBERS OF HUNTINGTON HIGH SCHOOL FASHION PROGRAM FOR THEIR ACHIEVEMENTS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. ISRAEL. Madam Speaker, a group of impressive students from the Huntington High School Fashion Program joined First Lady Michelle Obama for a historic occasion, the donation of her Inauguration gown to the Smithsonian's First Ladies Collection.

These students impressed and inspired the First Lady a year ago when their teachers challenged them to design an Inauguration gown fit for the new First Lady. They studied both Michelle Obama and the work of other designers. They then sent a book of their designs to the First Lady.

More than a year later, the First Lady remembered that project and it when it was time to arrange for her Smithsonian ceremony she asked the Huntington High School students to join her in Washington, DC for the special event.

Madam Speaker, all of Long Island couldn't be more proud of the work of the Huntington High School students.

We are equally proud of their teachers who challenged them with this creative project. These teachers thought big. They thought outside the box. And they along with their students are being rightfully rewarded with this once-in-a-lifetime opportunity.

Madam Speaker, I thank First Lady Michelle Obama for her thoughtful inclusion of the Huntington High School Fashion Program in this ceremony and I commend Huntington High School's students, teachers, parents and administrators whose great efforts led to this special recognition.

IN RECOGNITION OF PAUL McHUGH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of Paul McHugh as he is named the recipient of the 2010 James P. Sweeney Founder Award by the Retired Irish Police Society of Cleveland, Ohio.

Mr. McHugh began his service as a police officer in 1965 as a member of the Cleveland Motorcycle Unit. His twenty-seven-year tenure was framed by integrity, loyalty and bravery. He risked his life on numerous occasions to protect his colleagues and the citizens of Cleveland. His acts of courage did not go unrecognized. In 1967, Mr. McHugh was awarded the Meritorious Award for an act of heroism by the Cleveland Police Department. While assigned to the First District Detective Bureau, Mr. McHugh's sharp and persistent investigative efforts led to the dismantling of a massive burglary ring, for which he was recognized as the ''City of Cleveland Police Officer of the Month.''

After his retirement from the Police Department in 1992, he volunteered as a leader and member of many local police and charitable organizations including the Police and Fire Holy Name Society, where he currently serves as Treasurer, the Saint Patrick West Park Hunger Center, the American Legion and AmVets, and the Holy Family Cancer Home.

Mr. McHugh has a life-long connection to his Irish heritage. He grew up as one of twelve children on Cleveland's west side. He is extremely active in Cleveland's Irish-American community. For the past twelve years he has served as Treasurer for the Retired Irish Police. Mr. McHugh is also a member of the West Side Irish American Club, serves on the St. Patrick's Day Parade Committee, and served as the Past President of the Mayo Society of Greater Cleveland. Above all his civic engagements, Mr. McHugh is a dedicated family man. Together, he and his wife, Marie raised their children, Colleen and Allan. Mr. and Mrs. McHugh remain active in the lives of their children and four grandsons.

Madam Speaker and colleagues, please join me in honoring Paul McHugh, whose exemplary service on behalf of our community is an inspiration and example for all of us. His dedication to helping others continues to enhance and strengthen our entire community, and we are grateful for his efforts.

HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL AMENDMENTS ACT OF 2010

SPEECH OF

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 12, 2010

Mr. BOYD. Mr. Speaker, I rise in support of H.R. 3650, the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act. I represent North Florida along the coast line of the Gulf of Mexico. My district has some of the most beautiful and cleanest beaches in the Nation, as well as a strong fishing and oyster industry. This coastline is pristine and much of it is undeveloped. Every time the Algal Blooms near our coastline, our local economy and environment come under threat.

Algal blooms have a significant impact on our seafood industry. In particular, the blooms directly affect the filter-feeders. Oysters and scallops are a significant economic engine to many of the small towns along the Gulf coastline. When the 2005 algal bloom incident occurred, many folks in my district lost a significant amount of their income because of the toxins that result from algal blooms. In fact, the Apalachicola Bay was closed for over 50 percent of the season, resulting in loss of seafood harvest, cancelled tourist reservations, regional defamation and illness that exceeded millions.

Algal blooms also have a significant impact on Florida's tourism industry. The effects of the toxins can lead to respiratory and eye problems in people who are exposed. When algal blooms take over, tourists can not enjoy the wildlife and ecosystems they came to experience and this has a clear and disastrous impact on our State's $53 billion tourism industry.

In conclusion, the welfare of our coastal communities, seafood production, and health in the Apalachicola Bay, and all along the Florida coast, remains at risk due to algal blooms. This situation must have more attention and science devoted to protect our economy and job, as well as the environment and public health. I support H.R. 3650 and will continue to do my part to help develop responsible and more effective methods to stop algal blooms.

IN HONOR OF ANGELO PETITTI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Angelo Petitti upon his recognition as the recipient of the St. Malachi Center's 2010 Sister Michael Marie Griffin Anchor Award, which will be presented to him at the St. Malachi Center's Tenth Annual Soup for the Soul Benefit.

Mr. Petitti emigrated from Faeto, Italy in 1963 when he was just 16 years old. He studied political science at Kent State University and worked as a landscaper. He left Kent State to pursue his true passion: landscape design. He moved to Florida and founded his own landscape business, but eventually moved the business back to Ohio to form Petitti Landscape Company with his brother Dominic.

Working out of a small garage, the Petitti brothers were soon inundated with requests from passersby who saw the shrubs that lined the driveway. Over the past forty years, Mr. Petitti has become one of the most successful garden center owners in Ohio. He can be heard on his weekly radio show, ''In the Garden with Angelo,'' and is regularly seen out in the community, lending his time to help raise funds for numerous local charitable organizations.

Above all, Mr. Petitti is devoted to his family. His wife, Maria, also emigrated from the same

town in Italy, and they married in 1975. Together, they raised their son, AJ, and daughters, Andria and Lisa—all of whom are involved in the family business. Mr. Petitti's unwavering integrity and generosity continues to spread throughout our community, where he is highly respected and admired by the community. He is a kind and humble man with a deep sense of charity.

Madam Speaker and colleagues, please join me in honoring Angelo Petitti, recipient of the 2010 Sister Michael Marie Griffin Anchor Award. Mr. Petitti personifies the American Dream and is an inspiration to us all.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,575,678,862,901.61.

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 $1,937,253,116,607.81 so far this Congress. The debt has increased $1,739,800,627,446.86 since just yesterday.

This debt and its interest payments we are passing to our children and all future Americans.

IN HONOR OF OTIS PAUL DRAYTON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Otis Paul Drayton Jr., a Veteran and an Olympic champion. Mr. Drayton's life was built upon a foundation of family, friends and community. His kind heart and energetic spirit will be forever remembered by those who loved him.

As a young man, Mr. Drayton moved from New York to Cleveland. He graduated from Cathedral Latin High School and went on to Villanova University where his talent as a runner was apparent. He won several national championships including a 1961 meet with the Soviet Union where Mr. Drayton set a world record for the 4 x 100 relay with a time of 39.1 seconds. In the 1964 Olympics in Tokyo where he won gold and silver medals, Mr. Drayton set the record again with a time of 39.0 seconds.

Though highly accomplished, Mr. Drayton was a kind and humble man. His quick smile and gentle nature easily endeared him to everyone. For many years he served as the Deputy Project Director for the City of Cleveland Division of Recreation and later as a part-time employee of the Cuyahoga County Sheriff's Department. Above all else, Mr. Drayton was a devoted husband to his beloved wife, Jeune.

Madam Speaker and Colleagues, please join me in honoring Otis Paul Drayton. I offer my deepest condolences to his wife, Jeune, his son, Walter, and his extended family and friends. Mr. Drayton lived his life with great joy, energy, and a generous heart. He will never be forgotten.

HONORING EDD KELLUM HENDEE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. BRADY of Texas. Madam Speaker, I rise to honor the life of Edd Kellum Hendee, a beloved father, husband, son and brother taken from his loving family far too soon.

A 1999 graduate of the Naval Academy who served his country honorably as a Lieutenant on the U.S.S. *Denver* during Operation Enduring Freedom, Hendee earned a Masters in English from George Mason University and an MBA from Harvard Business School.

As Vice President of Acquisitions for the Starwood Capital Group, Hendee led one of the largest initial public offerings in history by balancing his keen intellect with a heart the size of Texas and his love for his Savior. Hendee also pushed the limits of his own endurance as an Ironman Triathlete.

His proud parents would tell you that their son's exceptional achievements paled in comparison to his greatest accomplishment, the family that he, and the love of his life, Claudine Moore Hendee, were building with their sons, Campbell Luke, 4, and Hudson Jacob, 2, and 8-month-old daughter Reagan Reese.

In addition to his wife and three children, Edd K. Hendee leaves behind his devoted parents, Nina Johnson and Edd Campbell Hendee, his sisters, Lisa Hendee Blackard and Kristin Ann Hendee, his mother-in-law Norma Jean Moore, father-in-law Gary Lee Moore, sisters-in-law Gena Moore Rush and Gabriella Lee Moore, brothers-in-law Chris Kirkland Blackard and David Rush, as well as friends and co-workers around the globe.

Hendee's quick smile and infectious laugh will be remembered fondly by all who knew him. If there was one thing we could learn from him, it would be to never let a minute pass without treasuring family and making every moment with them count to the absolute fullest.

IN HONOR OF FATHER JEROME LAJACK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Father Jerome Lajack, who has served as pastor of St. Wendelin Parish in Cleveland since 1977. Throughout his tenure, Father Lajack worked tirelessly to strengthen and guide the community of St. Wendelin.

A man of kindness and compassion, Father Lajack brought a sense of family and community to the St. Wendelin congregation. Moreover, he brought special attention to the needs and struggles of our most vulnerable citizens—the young and the elderly.

Father Lajack developed and instituted many new programs on behalf of children and teens, including Children's Choir, Children's Liturgy, and Vacation Bible School. He also focused on caring for the elderly of the congregation, visiting the sick and addressing the needs of the homebound. Additionally, Father Lajack has been an excellent steward of the parish, maintaining fiscal stability over three decades through the generous help of parishioners.

Madam Speaker and colleagues, please join me in recognition of Father Jerome Lajack. Father Lajack's leadership, kindness, unwavering faith and ability to improve the lives of others will endure as part of the spirit of the members of St. Wendelin Church. His impact will forever radiate far beyond the front steps of St. Wendelin's.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Ms. BALDWIN. Madam Speaker, I regret that I missed a recorded vote on March 11, 2010. Had I been present, I would have voted in support of H. Res. 1031 on agreeing to Article II of the resolution (roll No. 103).

IN HONOR OF DORIS ''GRANNY D'' HADDOCK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Doris "Granny D" Haddock, whose 100 years of life radiated love, energy, and belief in social justice.

Granny D and her late husband, Jim Haddock, shared a spirit of activism and a belief in giving back to the people. Together they raised two children, Elizabeth and James. Their family, which would come to include eight grandchildren and sixteen great-grandchildren, was a source of their joy and strength.

Granny D and her husband's commitment to public service began fifty years ago when they worked tirelessly to stop the development of a nuclear bomb test site in Alaska. Their efforts were successful and an entire Inuit fishing village was saved.

More than a decade ago, Granny D took the first step in a cross-country trek from California to Washington D.C. She walked over 3,000 miles to bring international attention to the need for campaign finance reform. After 14 months of marching eastward, and just after her ninetieth birthday, Granny D arrived at her destination. Granny D's work on behalf of this issue has taken root in her home state where New Hampshire House Bill 513 will appear on the ballot in the next election. If passed, the bill will enable candidates running for certain state senate seats to campaign with pubic financing.

Madam Speaker and Colleagues, please join me in honoring Doris "Granny D" Haddock. I offer my deep condolences to her son

and daughter-in-law, Jim and Libby Haddock, her grandchildren, her great-grandchildren, and her many friends. Granny D will never be forgotten.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Ms. WOOLSEY. Madam Speaker, on March 12, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 111. Had I been present I would have voted: rollcall No. 111: ''yes''—Bankruptcy Judgeship Act of 2010.

AMY DAVID—PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. CYNTHIA M. LUMMIS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mrs. LUMMIS. Madam Speaker, I would like to congratulate and honor a young student from the State of Wyoming who has achieved national recognition for exemplary volunteer service in her community.

Amy David of Boulder, Wyoming has just been named one of the top honorees in Wyoming by the 2010 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state. Amy was nominated by the Sublette County 4-H. She is a senior at Pinedale High School and has represented the state as Miss Wyoming Teen USA. Amy has been an ambassador throughout Wyoming promoting physical fitness, healthy minds, self-confidence and goal setting for youth. She has participated in many health-related fund raisers and co-founded an annual race to raise money for cystic fibrosis research.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to insure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. David are inspiring to all of us, and are among our brightest hopes for a better tomorrow.

Ms. David should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. I heartily applaud Ms. David for her initiative in seeking to make her community and state a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

RECOGNIZING ANN SATHER RESTAURANT

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the 65th anniversary of a Chicago institution—Ann Sather Restaurant. Although renowned for Scandinavian food, the string of restaurants has also built a reputation for hospitality and service to the community.

More than half a century ago, Ann Sather pooled her life savings and bought a diner. Her devotion to creating a restaurant with homemade meals, warm hospitality, and low prices made it a legend on the North Side of Chicago.

After more than 30 years, Ann Sather passed on her famous restaurant in 1981 to 24-year-old Cornell graduate Tom Tunney. Tunney has since opened several more Ann Sather restaurants, steering the business to new heights. Now alderman of Chicago's 44th Ward, Tunney has carried on Ann Sather's legacy of giving back to the community by supporting local organizations and causes.

Ann Sather passed away in 1996, but her spirit lives on through her restaurant. At the flagship Belmont location, her portrait still hangs in the dining room, smiling down on all who stop by for an order of her one-of-a-kind Swedish pancakes or world-famous cinnamon rolls.

Six-and-a-half decades later, this Chicago legend remains a staple of the Lakeview neighborhood thanks to its tradition, charm and commitment to the community. I wish to thank Ann Sather and Tom Tunney for all they've done, all they continue to do, and wish Ann Sather's the best of luck for another 65 years.

DON'T CRY FOR ME—IN HONOR OF A REAL AMERICAN HERO PFC BRENDAN MARROCCO, STATEN ISLAND STEEL, THE UNITED STATES ARMY, AND HIS MAGNIFICENT FAMILY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. McMAHON. Madam Speaker, PFC Brendan Marrocco of Staten Island, New York. Rocco, as his Brothers in Arms call him, is an inspiration to all of us and to all the men and women recovering over at Walter Reed Hospital. Rocco is the only surviving quadruple amputee of the Iraq war. His will to live, and his courage makes him a heroes' hero, and a shining lesson to us all. His family, like his brother Michael who quit his job, is always there for him. His fine father and mother raised one heck of a son. For Rocco's heart matches this Gotham City from which he comes. Could there be a bigger one? I ask that this poem, penned by Albert Caswell in honor of him, his family, and SGT Jeff Mittman, and all of our heroes of these wars, FAOY, who have come home to teach us all, be placed in the RECORD. Bless them all.

DON'T, CRY FOR ME!

Don't, cry for me!
Lift up your head, there's so much more I'm going to be!
Don't, feel sorry for me!
Yea, I've hurt . . . but, I'm growing ever stronger! Don't you see?
Yea, its been hard . . . and it will always be!
But, this is the life that I so chose to lead!
But, on this road that we call life . . . there are no promises, or guarantees . . .
All except, for what's deep down inside of me! Arms and legs, we all need!
But, we can survive! But, without hearts . . .
We so surely, can not so breathe! For all in life, of which is great . . .
Love, valor, hope, courage, and honor . . . and so sacrifice . . .
So emanates, from deep down inside of me!
Sure, I'd love to touch and feel . . .
Or run once again . . . upon my once two strong legs so very real . . .
Still, all of this pain and heartache can not so steal . . .
My heart, that which so beats inside of me!
That which so heals all of me! Don't cry for me!
Because, there's Staten Island steel inside of me!
Yea . . . I'm up and running . . . can't you see?
Well, you better get started . . . if you want to catch up with me!
As I make the best of what my Lord God has so left to me . . .
For all is possible, when hearts believe!
People live such useless lives!
Honor in death and freedom . . . are but for what I rise!
As but what, I've so lived for . . . and die!
And all of my most precious gifts, my arms and legs . . .
And so all of this . . . I give to thee, and not ask why?
Yea, I'd love to see . . .
Or hear, all those words you're saying to me . . .
But, my heart still hears and sees!
For all I've lost, and is no longer part of me!
For I can hear, far much more clearer now! And see . . . indeed!
Standing here, now with but half a face . . .
With such scars and burns . . .
And such great burdens upon my soul as placed!
As so bravely, I carry on . . . both night and day . . .
But, in my Lord's eyes . . . my beauty so emanates!
To make a difference with it all!
As but what I so fought for, what I saw!
As I so answered that most noble cause!
As my new battle is to be won!
To so shine upon this world, all in courage's sun . . .
Giving hope to all, each and everyone!
For in this minute, That we call life . . .
Have you but so made a difference, I cry?
All in this our Lord's eyes?
And for all of those, who failed or not tried . . .
It's but for you, I cry!
Don't Cry For Me!

HONORING MANUEL ''MABER'' BERNAL

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. GONZALEZ. Madam Speaker, I rise today to offer my words of congratulation to one of San Antonio's most distinguished citizens. Manuel ''Maber'' Bernal was born in Veracruz, Mexico, on November 19, 1904. In

1930, he began his career in broadcasting when Mexico's Radio XEW–AM first went on the air. Over the next 23 years, Mr. Bernal's fame, both in Mexico and in the United States, grew. He was well known for his radio performances, as an actor, author, and producer for XEQ and Radio Cadena Nacional. His voice was known to millions from his dubbings of Disney movies into Spanish.

In 1953, after years of business trips here, Mr. Bernal made the United States his home. He settled in San Antonio, Texas, where he helped to build the radio station KCOR, the first full-time Spanish-lanugage radio station in the United States. In addition to authoring several novellas and radio jingles, Mr. Bernal was dedicated to bridging the gap between his Spanish-speaking audience and their government. He worked with the local Social Security Administration District Manager to produce ''Su Seguro Social,'' tapes which introduced Americans to the Social Security Administration and explained its workings.

As America transitioned into the television era, so did Mr. Bernal, and he continued to ensure that his work benefited the community. His program on KCOR–TV—once again the first full-time Spanish-language television station in the country as well as the first UHF station—was called ''Escuadron de Auxilio,'' ''The Help Brigade.'' KCOR would become the foundation of the Spanish International Network and, later, Univision.

Manuel Bernal turned 105 years old on November 19, 2009. Over more than century, he has seen tremendous changes in the world and, often enough, he was at the forefront of those changes. I may be late in saying it, but I want to congratulate Mr. Bernal on a lifetime of accomplishment. I hope that his 105th birthday was a joy and I wish him many, many more.

A TRIBUTE TO RICHARD ''DICK'' SWEEBE

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. COHEN. Madam Speaker, I rise today to congratulate Mr. Richard ''Dick'' Sweebe and his Memphis-based business, Diamond Companies, for receiving Navistar Incorporated's prestigious 2009 International Circle of Excellence Award.

The Circle of Excellence Award honors International truck dealerships that achieve the highest level of dealer performance with respect to operating and financial standards, market representation, and most importantly, customer satisfaction. It is the highest award a dealer principal can receive from Navistar. Diamond Companies has now received the Circle of Excellence Award a total of 17 times.

Diamond Companies has grown from a single International truck dealership to one of the largest International truck dealers in North America. Mr. Sweebe began his career with International Harvester in 1972 and served in several capacities before purchasing his first International dealership in 1982. His entrepreneurial leadership helped grow Diamond Companies to an operation with more than 600 employees in 16 locations across Tennessee, Arkansas, Missouri and Kansas. Diamond Companies is the holding company for Diamond International, Diamond Idealease and Diamond State Bus Company.

As an industry leader, Mr. Sweebe has held numerous positions of responsibility in International organizations, including the former chairman of the International Dealer Council and co-chair of the International Dealer Development and Systems Board.

Through his commitment to hard work and outstanding customer service, Mr. Sweebe has built an economically vital business of which he can be justly proud. Madam Speaker, I ask you and my colleagues to join with me in congratulating Dick Sweebe for his record of accomplishment, the success of Diamond Companies, and for his many contributions to his community.

CAMILLE ALLSOP—PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. CYNTHIA M. LUMMIS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mrs. LUMMIS. Madam Speaker, I would like to congratulate and honor a young student from the State of Wyoming who has achieved national recognition for exemplary volunteer service in her community.

Camille Allsop of Cheyenne has just been named one of the top honorees in Wyoming by the 2010 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state. Camille was nominated by Cheyenne's East high School. She is the lead performer and interpreter in a song and dance group that travels across the country bridging the gap between deaf and hearing audiences.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to insure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Allsop are inspiring to all of us, and are among our brightest hopes for a better tomorrow.

Ms. Allsop should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. I heartily applaud Ms. Allsop for her initiative in seeking to make her community and state a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

RECOGNIZING PETTY OFFICER 2ND CLASS ANTHONY THOMPSON

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. POE of Texas. Madam Speaker, Petty Officer 2nd Class Anthony Thompson is a true hero. Like all of our nation's heroes, we will always be grateful for the sacrifices they have made in order to ensure our continued freedom.

Having served two deployments in Iraq, the sacrifices made by both Petty Officer 2nd Class Thompson and his family on behalf of our nation are innumerable. On April 2004, Anthony's life changed forever near Fallujah, when a suicide bomber detonated an explosive under an overpass where he and his fellow Marines had taken up post.

Although he is fortunate to have survived, he is now not only ensured a life of reduced ability and pain, but in need of a new means to support his family of five. He suffered a Traumatic Brain Injury, an incomplete spinal cord injury and a punctured right lung. The process of rebuilding his life is also blessed by the Homes for our Troops organization, which helps wounded veterans transition successfully into their communities by providing them with homes.

The Homes for our Troops Organization works with combat wounded veterans to build specially adapted homes; allowing the veteran to be as independent as possible. The organization raises monetary donations, building materials, professional labor and coordinates the process of building a home. They insure that each home provides maximum freedom of movement and the ability to live more independently for each veteran recipient.

By providing returning service members with needed resources, they are better able to succeed in their local communities. Organization's like Homes for our Troops allow us, as Americans, to give back to veterans who have selflessly given so much for the sake of our freedom, and for that we are forever grateful.

''HONORING NIEL ELLERBROOK FOR HIS OUTSTANDING LEADERSHIP AND SERVICE TO HIS COMMUNITY''

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 2010

Mr. ELLSWORTH. Madam Speaker, I rise today to commend Niel Ellerbrook on his outstanding leadership and service to his community in Southwest Indiana.

In 2000, Mr. Ellerbrook was integral in the merging of Indiana Energy and SIGCORP into Vectren Energy Corporation—a company that would bring many new jobs to the Evansville area. Since that time, he has served as the Chairman, President and Chief Executive Officer of the company. Vectren is currently one of Indiana's largest publicly traded corporations with over 3,700 employees.

During his tenure as CEO, Mr. Ellerbrook has been recognized for his leadership in promoting diversity in the workplace. Additionally,

his community-minded business approach has inspired other businesses throughout Indiana and Ohio to engage their local communities with hopes of improving their quality of life. He was recently inducted into Evansville's Business Hall of Fame, and in 2007, the Indiana Chamber of Commerce named him as Business Leader of the Year.

Mr. Ellerbrook's dedication to community is well known. He serves on the Board of Directors for the Indiana Chamber of Commerce, Signature School Learning Center, University of Evansville, Indiana Fiscal Policy Institute, Old National Bancorp and the American and Indiana Gas Associations. He was influential in the opening of the Koch Family Children's Museum of Evansville, as well as the Ivy Tech University campus. He is also a longtime supporter of the United Way and is involved with many other community outreach efforts.

Niel Ellerbrook has served as an outstanding business leader and a steadfast advocate for his community. As an Evansville resident, I appreciate his dedication and leadership within our local community, as well as throughout the Hoosier state. I commend Mr. Ellerbrook on an impressive career, and I wish him only the best in his future endeavors.

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 Tuesday, March 16, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 17

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of Jeffrey A. Lane, of Virginia, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

SD–366

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the United States Forest Service.

SD–124

10 a.m.

Environment and Public Works

To hold hearings to examine the Government Accountability Office's investigation of the Environmental Protection Agency's (EPA) efforts to protect children's health.

SD–406

Foreign Relations

To hold hearings to examine the nomination of Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador, Department of State.

SD–419

Health, Education, Labor, and Pensions

To hold hearings to examine the Elementary and Secondary Education Act (ESEA) reauthorization, focusing on the Obama Administration's ESEA reauthorization priorities.

SH–216

Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas day attack, focusing on intelligence reform and interagency integration.

SD–342

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine bankruptcy reform, focusing on small business jobs.

SD–226

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Navy.

SD–192

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine strategic forces programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; to be followed by a closed session at 4:00 pm in SVC–217 following the open session.

SR–232A

Aging

To hold hearings to examine seniors, focusing on rising drug prices and the Part D program.

SD–562

3 p.m.

Commerce, Science, and Transportation

Consumer Protection, Product Safety, and Insurance Subcommittee

To hold hearings to examine financial services and products, focusing on the role of the Federal Trade Commission in protecting consumers, part 2.

SR–253

3:30 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.

Armed Services

To resume hearings to examine the ''Don't Ask, Don't Tell'' policy.

SH–216

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

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Robert J. Papp, Jr., to be a Commandant of the United States Coast Guard, Department of Homeland Security, Larry Robinson, of Florida, to be Assistant Secretary of Commerce for Oceans and Atmosphere, Earl F. Weener, of Oregon, to be a Member of the National Transportation Safety Board, Michael F. Tillman, of California, and Daryl J. Boness, of Maine, both to be a Member of the Marine Mammal Commission, and Jeffrey R. Moreland, of Texas, to be a Director of the Amtrak Board of Directors.

SR–253

Environment and Public Works

To hold hearings to examine mobility and congestion in urban and rural America.

SD–406

Judiciary

Business meeting to consider 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, S. 2960, to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, S. 2974, to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, 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, and the nominations of Josephine Staton Tucker, to be United States District Judge for the Central District of California, Mark A. Goldsmith, to be United States District Judge for the Eastern District of Michigan, Brian Anthony Jackson, to be United States District Judge for the Middle District of Louisiana, Elizabeth Erny Foote, to be United States District Judge for the Western District of Louisiana, Marc T. Treadwell, to be United States District Judge for the Middle District of Georgia, Wifredo A. Ferrer, to be United

States Attorney for the Southern District of Florida, and William N. Nettles, to be United States Attorney for the District of South Carolina.

SD–226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine Bureau of Indian Affairs and tribal police recruitment, training, hiring, and retention.

SD–628

2:30 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine proposals for addressing the current financial situation facing the United States Postal Service.

SD–192

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Office of the Architect of the Capitol, and the Office of Compliance.

SD–138

Commerce, Science, and Transportation

Science and Space Subcommittee

To hold hearings to examine assessing commercial space capabilities.

SR–253

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH–219

MARCH 22

4 p.m.

Banking, Housing, and Urban Affairs

Business meeting to consider an original bill entitled, ''Restoring American Financial Stability Act of 2010''.

SD–538

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

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD–226

2:30 p.m.

Armed Services

To hold hearings to examine the nominations of Elizabeth A. McGrath, of Virginia, to be Deputy Chief Management Officer, Michael J. McCord, of Virginia, to be Principal Deputy Under Secretary, Comptroller, Sharon E. Burke, of Maryland, to be Director of Operational Energy Plans and Programs, Solomon B. Watson IV, of New York, to be General Counsel of the Department of the Army, and Katherine Hammack, of Arizona, to be Assistant Secretary of the Army, all of the Department of Defense.

SH–216

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 1546, to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, S. 2798, to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, S. 2830, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects, and S. 2963, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land.

SD–366

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

CANCELLATIONS

MARCH 17

9:30 a.m.

Armed Services

SeaPower Subcommittee

To hold hearings to examine Navy shipbuilding programs in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program.

SR–222

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1489–S1563

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 3110–3117, and S. Res. 454–455. **Page S1516**

Measures Reported:

S. 2865, to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.). (S. Rept. No. 111–163)

S. 1789, to restore fairness to Federal cocaine sentencing, with an amendment in the nature of a substitute. **Page S1516**

Measures Passed:

Honoring Harriet Tubman: Senate agreed to S. Res. 455, honoring the life, heroism, and service of Harriet Tubman. **Page S1562**

National Emergency Medical Services Memorial: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 53, recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National Emergency Medical Services Memorial, and the resolution was then agreed to. **Pages S1562–63**

Measures Considered:

Commerce, Justice, Science, and Related Agencies Appropriations Act—House Message: Senate resumed consideration of the amendments of the House of Representatives to the amendment of the Senate to the amendment of the House to the amendment of the Senate to H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, taking action on the following motions and amendments proposed thereto: **Pages S1500–13**

Pending:

Durbin motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill. **Page S1500**

Durbin motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill, with Durbin Amendment No. 3498 (to the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate), of a perfecting nature. **Page S1500**

Durbin Amendment No. 3499 (to Amendment No. 3498), of a perfecting nature. **Page S1500**

During consideration of this measure today, Senate also took the following action:

By 61 yeas to 30 nays (Vote No. 49), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill. **Page S1501**

Durbin motion to refer in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill to the Senate Committee on Appropriations, with instructions, Durbin Amendment No. 3500, to provide for a study, fell when cloture was invoked on the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill. **Pages S1500–01**

Durbin Amendment No. 3501 (to Amendment No. 3500), of a perfecting nature, fell when Durbin motion to refer in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill to the Senate Committee on Appropriations, with instructions, Durbin Amendment No. 3500, to provide for a study fell. **Pages S1500–01**

Durbin Amendment No. 3502 (to Amendment No. 3501), of a perfecting nature, fell when Durbin Amendment No. 3501 (to Amendment No. 3500), of a perfecting nature fell. **Pages S1500–01**

A unanimous-consent-time agreement was reached providing that Senate resume consideration of the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill at approximately 9:30 a.m., on Wednesday, March 17, 2010, all post-cloture time be considered expired, the motion to concur with an amendment

be withdrawn, and no further amendments or motions be in order, except as provided in the DeMint motion to suspend; that it be in order for Senator DeMint to offer a motion to suspend the rules in order to offer an amendment, and that if the motion is offered, Senator DeMint be recognized for up to 10 minutes; that upon disposition of the DeMint motion, Senate then vote on the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill. **Page S1513**

Appointments:

President's Export Council: The Chair, pursuant to Executive Order 12131, as amended and extended, reappointed and appointed the following Members to the President's Export Council:

Reappointment:

Senators Stabenow and Brown (OH)

Appointment:

Senator Wyden vice Senator Dorgan **Page S1563**

Tax on Bonuses Received From Certain TARP Recipients—Agreement: A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, Senate resume consideration of H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients, at 2:15 p.m. on Tuesday, March 16, 2010; provided further, that during any recess, adjournment or period of morning business, post-cloture time continue to run. **Page S1513**

Judge G. Thomas Porteous, Jr. Impeachment—Agreement: A unanimous-consent agreement was reached providing that the Secretary of the Senate inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana, agreeable to the notice communicated to the Senate, and at the hour of 2:00 p.m., Wednesday, March 17, 2010, the Senate will receive the honorable managers on the part of the House of Represenatives in order that they may present and exhibit the said articles of impeachment against the said G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana. **Page S1562**

Messages from the House: **Page S1515**

Measures Referred: **Page S1515**

Measures Placed on the Calendar: **Page S1515**

Measures Read the First Time: **Pages S1515–16, S1563**

Additional Cosponsors: **Pages S1516–17**

Statements on Introduced Bills/Resolutions: **Pages S1517–30**

Additional Statements: **Page S1515**

Amendments Submitted: **Pages S1530–32**

Notices of Intent: **Pages S1532–33**

Notices of Hearings/Meetings: **Pages S1533**

Text of H.R. 4213 as Previously Passed: **Page S1533–62**

Record Votes: One record vote was taken today. (Total—49) **Page S1501**

Adjournment: Senate convened at 2 p.m. and adjourned at 8:05 p.m., until 10:15 a.m. on Tuesday, March 16, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1563.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: On Friday, March 12, 2010, Committee announced the following subcommittee assignments:

Subcommittee on AirLand: Senators Lieberman (Chair), Bayh, Webb, McCaskill, Hagan, Begich, Burris, Kaufman, Thune, Inhofe, Sessions, Chambliss, Brown (MA), and Burr.

Subcommittee on Emerging Threats and Capabilities: Senators Nelson (FL) (Chair), Byrd, Reed, Nelson (NE), Bayh, Udall (CO), Bingaman, Kaufman, LeMieux, Graham, Wicker, Brown (MA), Burr, and Collins.

Subcommittee on Personnel: Senators Webb (Chair), Lieberman, Akaka, Nelson (NE), McCaskill, Hagan, Begich, Burris, Bingaman, Graham, Chambliss, Thune, Wicker, LeMieux, Vitter, and Collins.

Subcommittee on Readiness and Management Support: Senators Bayh (Chair), Byrd, Akaka, McCaskill, Udall (CO), Burris, Burr, Inhofe, Chambliss, and Thune.

Subcommittee on Seapower: Senators Reed (Chair), Lieberman, Akaka, Nelson (FL), Webb, Hagan, Kaufman, Wicker, Sessions, LeMieux, Vitter, and Collins.

Subcommittee on Strategic Forces: Senators Nelson (NE) (Chair), Byrd, Reed, Nelson (FL), Udall (CO), Begich, Bingaman, Vitter, Sessions, Inhofe, Graham, and Brown (MA).

Senators Levin and McCain serve as ex-officio members of each of the Subcommittees.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 6 public bills, H.R. 4842–4848; and 2 resolutions, H. Res. 1182–1183 were introduced. **Page H1440**

Additional Cosponsors: **Pages H1440–41**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Hirono to act as Speaker pro tempore for today. **Page H1399**

Recess: The House recessed at 12:41 p.m. and reconvened at 2 p.m. **Page H1400**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing the University of Arizona's 125 years of dedication to excellence in higher education: H. Res. 1145, amended, to recognize the University of Arizona's 125 years of dedication to excellence in higher education, by a ⅔ yea-and-nay vote of 392 yeas with none voting "nay", Roll No. 112; **Pages H1401–02, H1408–09**

Congratulating the winners of the Voice of Democracy national scholarship program: H. Res. 1170, to congratulate the winners of the Voice of Democracy national scholarship program, by a ⅔ yea-and-nay vote of 384 yeas with none voting "nay", Roll No. 113; **Pages H1402–03, H1409–10**

Recognizing Washington State University Honors College for 50 years of excellence: H. Res. 1163, to recognize Washington State University Honors College for 50 years of excellence, by a ⅔ yea-and-nay vote of 389 yeas with none voting "nay", Roll No. 114; **Pages H1403–04, H1410**

Directing the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees: H.R. 2377, to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in prekindergarten through higher education; and **Pages H1404–06**

Recognizing the cultural and historical significance of Nowruz: H. Res. 267, to recognize the cultural and historical significance of Nowruz, to express appreciation to Iranian-Americans for their contributions to society, and to wish Iranian-Americans and the people of Iran a prosperous new year, by a ⅔ yea-and-nay vote of 384 yeas to 2 nays, Roll No. 115. **Pages H1407–08, H1410–11**

Recess: The House recessed at 3:04 p.m. and reconvened at 6:30 p.m. **Page H1408**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Sergeant Christopher R. Hrbek Post Office Building Designation Act: 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". **Pages H1406–07**

Discharge Petition: Representative Jones presented to the clerk a motion to discharge the Committee on Armed Services from the consideration of H.R. 775, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan to offset the receipt of veterans dependency and indemnity compensation (Discharge Petition No. 10).

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H1400.

Senate Referrals: S. 1147 was held at the desk. **Page H1400**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H1409, H1409–10, H1410 and H1410–11. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:41 p.m.

Committee Meetings

CIA COMPARTMENTED PROGRAMS

Committee on Appropriations: Select Intelligence Oversight Panel met in executive session to hold a hearing on CIA Compartmented Programs. Testimony was heard from Michael J. Sulick, Director, National Clandestine Service, CIA.

MILITARY FAMILY SUPPORT

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on legislative priorities in support of families. Testimony was heard from public witnesses.

RECONCILIATION ACT OF 2010

Committee on the Budget: Ordered reported the Reconciliation Act of 2010.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, MARCH 16, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on 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, 9:30 a.m., SH–216.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, 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, 10 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine the nomination of Robert Stephen Ford, of Maryland, to be Ambassador to the Syrian Arab Republic, 9:30 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine assessing foster care and family services in the District of Columbia, focusing on challenges and solutions, 2 p.m., SD–342.

Select Committee on Intelligence: closed business meeting to consider pending calendar business; to be immediately followed by a closed hearing to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, on FY 2011 Budget and Economic Outlook, 10 a.m., 2359 Rayburn.

Subcommittee on Commerce, Justice, Science, and Related Agencies, on Department of Justice FY 2011 Budget Overview, 2 p.m., 2359 Rayburn.

Subcommittee on Defense, executive, on U.S. Central Command, 1:30 p.m., H–140 Capitol.

Subcommittee on Energy and Water Development and Related Agencies, on Department of Energy: Environmental Management, Legacy Management, 2011 Budget, 2 p.m., 2362–B Rayburn.

Subcommittee on Homeland Security, on FY 2011 Citizenship and Immigration Services Budget, 2 p.m., B–318 Rayburn.

Subcommittee on Interior, Environment and Related Agencies, on Preserving America's Culture and National Treasures: The National Park Service FY 2011 Budget Request, 3 p.m., B–308 Rayburn.

Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, on Strengthening Intermodal Connections and Improving Freight Mobility: An Outside Perspective, 2 p.m., 2358–A Rayburn.

Committee on Armed Services, Subcommittee on Readiness, hearing on FY 2011 National Defense Authorization Budget Request for the military services' operation and maintenance funding, 2 p.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on status of United States strategic forces, 10 a.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Workforce Protections, hearing on Protecting America's Workers Act: Modernizing OSHA Penalties, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, to markup H.R. 847, James Zadroga 9/11 Health and Compensation Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on International Monetary Policy, and Trade, hearing entitled "Rebuilding Haiti's Competitiveness and Private Sector," 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Communications, Preparedness and Response, hearing entitled "Ensuring Strong FEMA Regional Offices: An Examination of Resources and Responsibilities," 10 a.m., 311 Cannon.

Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, to markup a measure to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on Federal Rulemaking and the Regulatory Process, 11 a.m., 2141 Rayburn.

Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on H.R. 3335, Democracy Restoration Act of 2009, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans and Wildlife, oversight hearing on Catch Shares as a Management Option: Criteria for Ensuring Success, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, hearing entitled "Federal Employee Workplace Security," 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, to continue hearings entitled, "U.S. Aid to Pakistan (Part II): Planning and Accountability," 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Investigations and Oversight, hearing on Rare Earth Minerals and 21st Century Industry, 2 p.m., 2318 Rayburn.

Subcommittee on Research and Science Education, hearing on Broadening Participation in STEM, 10 a.m., 2318 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on the National Taxpayer Advocate's 2009 Report to Congress on the most serious problems encountered by taxpayers, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on National Reconnaissance Program/National Reconnaissance Organization Budget for FY 2011, 2 p.m., 304 HVC.

Select Committee on Energy Independence and Global Warming, hearing entitled "Clearing the Smoke: Understanding

the Impacts of Black Carbon Pollution,'' 10 a.m., 1310 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine Ukraine, focusing on the new challenges and prospects they face domestically and internationally and implications for U.S. policy, 10 a.m., SVC–201/200.

Next Meeting of the **SENATE**

10:15 a.m., Tuesday, March 16

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will resume consideration of H.R. 1586, Tax on Bonuses Received From Certain TARP Recipients at approximately 2:15 p.m.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10:30 a.m., Tuesday, March 16

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H. Res. 311—Expressing the support of the House of Representatives for the goals and ideals of Red Cross Month; (2) H. Res. 605—Recognizing the continued persecution of Falun Gong practitioners in China on the 10th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement and calling for an immediate end to the campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners; (3) H. Res. 1128—Thanking Vancouver for hosting the world during the 2010 Winter Olympics and honoring the athletes from Team USA; (4) H. Res. 1089—Recognizing the 150th anniversary of Augustana College; (5) H. Res. 1167—Expressing the support of the House of Representatives for the goals and ideals of Professional Social Work Month and World Social Work Day; (6) H.R. 4252—Inland Empire Perchlorate Ground Water Plume Assessment Act; (7) H.R. 2788—Distinguished Flying Cross National Memorial Act; (8) H.R. 4003—Hudson River Valley Special Resource Study Act; (9) H.R. 3671—Upper Mississippi River Basin Protection Act; (10) H.R. 4192—Stornetta Public Lands Outstanding Natural Area Act; (11) H.R. 1769—Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act; (12) H.R. 4395—To revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station; (13) H.R. 4825—To require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; (14) H.R.__—Directing the Clerk to create a separate section of the congressional record to provide for CBO scores; (15) H.R. 946—Plain Language Act of 2009; (16) H.R. 1320—Federal Advisory Committee Act Amendments of 2009; (17) H.R. 1387—Electronic Message Preservation Act; (18) H.R. 4214—The ''Roy Wilson Post Office'' Designation Act.

Extensions of Remarks, as inserted in this issue

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